
Edmund Burke: Old Whig

Edmund Burke, the passionate defender of the “ancient principles” of his forebears, might be surprised to discover that he originated a new school of political thought.¹ By all accounts, however, Burke is the “modern founder of political conservatism,” and generations of conservative thinkers have found his life and work a rich source of philosophical and practical wisdom.² Edmund Burke was a statesman and not a political philosopher, and he never produced anything that may be regarded as a systematic political treatise. Nevertheless, he embraced a consistent political creed that governed his actions throughout his life. The aim of this essay is to show that Burke’s implicit political creed is, in all essential respects, the doctrine elaborated in the twentieth-century by the social philosopher F.A. Hayek. Hayek’s aim, he said, was to restate or systematize those basic principles whose observance generated and sustain Western constitutional government and the free society. As we’ll see, the “classical liberal” or “Old Whig” principles articulated by Hayek were also those that inspired and guided Burke.

To show this, I will elaborate Burke’s substantive political philosophy, his views regarding the nature of society, the role of reason in human affairs, the proper tasks of government, and the nature of moral and legal rules. The heart of the matter is that Burke, like Hayek, remained an “unrepentant Old Whig” to the end.³

The Whig Roots of Burkean Philosophy

The political creed to which Burke subscribed—the doctrine of

what he called the “ancient, constitutional” or “Old” Whigs—was an offshoot of the conflict that culminated in the so-called Glorious Revolution of 1688.⁴ The Whigs were united by a common passion—the hatred of arbitrary power—and the prevention of arbitrary action by government ever remained the guiding aim of their political practice. The basic issue around which Whig opinion formed had been identified as early as 1610. As The Petition of Grievances of that year put the issue: “There is no[thing] which [we] account...more dear and precious than this, to be guided and governed by the certain rule of law...and not by any uncertain and arbitrary form of government,” that is, government “not in accordance with received general laws.”⁵ According to John Locke’s account, what the Whigs fought for was

[f]reedom...to have a standing rule to live by, common to every one of that society,...a liberty to follow [one’s] own will in all things, where that rule prescribes not; and not to be subject to the inconstant, uncertain, arbitrary will of another man... [W]hoever has the legislative or supreme power of any commonwealth is bound to govern by established standing laws promulgated and known to the people and not by extemporary decrees...[Even the legislature has no] absolute arbitrary power, ...but is bound to dispense justice,...[while the] supreme executor of the law...has no will, no power, but that of the law...[The] ultimate aim is to...limit the power and moderate the dominion of every part and member of that society.⁶

Although the translation of Whig ideals into law and public policy was inevitably a slow and imperfect process, by the time Burke appeared on the scene “the principles themselves [had] ceased to be a matter of dispute.”⁷ Moreover, Burke himself lent considerable energy to institutionalizing Whig ideals; he spent much of his political life endeavoring to reform British law in their spirit.⁸

The modern interpreter, then, cannot understand Burke’s political philosophy unless he is acquainted with the Whig con-

ceptions of liberty and law. Liberty, to the Whig mind, had a precise and definite meaning: freedom from arbitrary (that is, “ruleless”) coercion, whether emanating from the crown, the parliament, or the people. On the Whig view, such freedom was gained by strict adherence to the rule of law, that is to say, to “something permanent, uniform, and universal [and]...not a transient sudden order from a superior or concerning a particular person.”⁹ We should note that the conception of liberty-under-law to which Burke subscribed has nothing to do with what he regarded as the “French” conception of liberty—“political freedom” in the sense of participation in the determination of law or policy.¹⁰ Nor, we might add, has it anything to do with “inner freedom” or the conception of freedom as power or ability to act. For Whigs such as Burke, the only kind of freedom that can be secured by a political order is freedom-under-law in the sense of freedom from arbitrary coercion.

On The Nature of Society

Burke’s more exclusively political views are intimately related to his understanding of the nature of society, an understanding informed by the thought of the Scottish Enlightenment. Philosophers such as Adam Ferguson, David Hume, and Adam Smith had conceived society and its complex webwork of institutions—law, “manners,” morals, customs—as the outcome of a prolonged “process of cumulative growth” whereby man had advanced from a level of primitive savagery to high culture and civilization.¹¹ On such a view, social order appears as a product of the interplay of historically evolved institutions, habit and custom, objective law, and impersonal social forces. In the words of one of their contemporaries, what the Scottish philosophers had done was successfully to “resolve almost all that ha[d formerly] been ascribed to positive institution into the spontaneous and irresistible development of certain obvious principles,—and...[to] show with how little contrivance of political wisdom the most complicated and apparently artificial schemes of policy might have been erected.”¹²

Burke's thought was fully informed by such views. He, too, understood social institutions to be the product of a complex historical process characterized by trial-and-error experimentation. He, too, emphasized that the conditions of human flourishing must be cultivated through comprehension of the forces that sustain social order. To Burke's mind, such cultivation demanded fine judgment, "prudence," respect for the given and the grown. Through his eyes, civilized society appeared as a fragile growth; arrogant and presumptuous "meddling" inspired by "visionary...speculation" threatened to disturb the delicate social webwork and undo the work of ages, erode the historically transmitted "prejudices" that upheld civilized society against the vulgar and the barbaric.¹³ Burke was leery of the untutored and unsocial impulses that lie beneath man's acquired civility; and he endeavored to refute all doctrines that undermined the authority of those "repressive or inhibitory" social rules—those "thou shalt nots"—that alone enable men to live together in any degree of freedom or peace.¹⁴

Thus Burke's conservatism, his profound regard, even reverence, for the intricate evolved pattern that was the British constitution. He revered that constitution because he perceived in it the foundation of the Englishman's "ancient, indisputable laws and liberties;" he knew that the "treasure of...liberty" was the hard-won product of history and evolution. Burke's reverential attitude toward human society was further deepened by his religious convictions. Particular historical societies were, for him, spiritual phenomena, as he said, "clause[s] in the great primeval contract of eternal society;" they were not *things* to be manipulated and controlled in accordance with fabulous schemes wrought by restless metaphysicians puffed up with self-importance and intellectual pretension.¹⁵ Burke believed that the institutions of freedom he cherished emerged from an undesigned and spontaneous evolutionary process utterly dependent upon the distilled knowledge embedded within inherited traditions and institutions. He seems to have been captivated by the wondrous order-within-complexity generated by this suprarational social

process and wished to defend it against that rationalistic mentality which refuses to comprehend the significance of tradition and custom.

One of Burke's central insights, then, is that, as he said, "the individual is foolish...but the species is wise." He recognized that inherited rules and institutions embody the cumulative knowledge and experience of preceding generations. Thus, for him, the process of cultural advance is utterly dependent upon the absorption and transmission of the cultural inheritance over time. Received tradition is not only the foundation of civilized society, but of all the learned rules whose observance distinguishes the human from the animal. For Burke, the contemptuous dismissal of "irrational" tradition, the desire to "wipe the slate clean" and design society anew, merely testifies to a profound ignorance regarding the nature of social reality.¹⁶

On the Role of Reason in Human Affairs

One of Burke's greatest contributions, then, involves his understanding of the role of reason in human affairs. His most crucial insights may be summarized as follows: 1) the priority of social experience (or "tradition") over reason; 2) the notion that inherited social institutions embody a "superindividual wisdom" which may transcend that available to the conscious reasoning mind;¹⁷ and 3) the impotence of reason to design or construct a viable social order. Burke, in short, understood that civilization is not the creation of the reasoning mind, but the unintended outcome of the spontaneous play of innumerable minds within a matrix of nonrational or suprarational values, beliefs, and traditions.

Burke's enemy, accordingly, was Enlightenment rationalism. For perhaps the most characteristic attribute of Enlightenment thought was its cavalier dismissal of tradition as mere superstition and prejudice. Through Enlightened eyes, inherited values, institutions, and customs appeared as the very embodiment of ignorance, "reason" as the tool that would liberate man from the ancient fetters of oppression. Indeed, individual "reason" was endowed with a most profound and exclusive constructive authority.

Burke regarded the Enlightenment, as J.G.A. Pocock put it, as a “destructive movement of the human intellect...[an intellect] free from all social restraints,...[convinced it can] remodel society” in any image it chooses.¹⁸ As such, it posed a grave threat to the preservation of civilized order. For Burke apprehended that the preservation of free government and civilized society depends upon man’s willingness to be governed by certain inherited rules of individual and collective conduct whose origin, function, and rationale he may not fully comprehend. The rationalist contempt for tradition, by contrast, is typically accompanied by the demand for the radical reconstruction of traditional moral and legal rules; from Rousseau through Rawls, the construction of new moralities and legal systems has been a major preoccupation of social theorists. Perhaps no other thought is as uncongenial to the modern rationalist temper as the idea that man is not free rationally to determine or choose his ethical or legal framework; modern thought bears little trace of that “strong impression of the ignorance and fallibility of mankind” that long served to suppress rationalistic hubris.¹⁹ Burke warned, however, that the endeavor to destroy inherited customs, morals, and prejudices must also destroy the humanistic liberal society engendered and sustained by such phenomena.

Thus, we may have good reason, as Burke recognized, to be “afraid to put men to live and trade each on his own private stock of reason” and to honor the fact that “individuals do better,” as he put it, “to avail themselves of the general bank and capital of nations and of ages.”²⁰ Burke would undoubtedly agree that reason “is like a dangerous explosive which, handled cautiously, may be most beneficial, but if handled incautiously may blow up a civilization.”²¹

On Economics

Burke’s economic prescriptions are, not surprisingly, of a piece with his social theory. He emphasized the dangers that flow, as he put it, from “meddling on the part of authority” in the intricate web of economic relations. Burke, in short, was an emphatic

defender of the free-enterprise system: “the moment that government appears at market,” he cautioned, “the principles of the market will be subverted.”²² Burke objected to governmental manipulation of the market process on Whig grounds: not only do such “interpositions” violate the “laws of commerce”—what Burke called the “rules and principles of contending interests and compromised advantages”—but, perhaps even more importantly, they are necessarily arbitrary and thus corrosive of liberty and justice. “Free trade,” he exhorted, “is not based on utility but on justice.”²³

One may conjecture, then, that Burke would be disturbed by the contemporary politics of redistribution. “Compulsory equalizations,” he said, could only mean “equal want, equal wretchedness, equal beggary.” And he would surely resist what he called the “officious universal interference” of modern government.²⁴ As he said, “It is better to cherish virtue and humanity, leaving much to free will, even with some loss to the object, than to attempt to make men machines and instruments of a political benevolence. The world on the whole will gain by a liberty without which virtue cannot exist.”²⁵

Curiously, in light of the often qualified if not begrudging respect some contemporary conservatives grant to the market process, Burke, the “father of conservatism,” adopted a far more “*laissez-faire*” attitude toward the role of government in economic affairs than many of his descendents.²⁶ Burke, for instance, believed efforts to ameliorate poverty should be undertaken *exclusively* by private charity—the Christian’s second duty, he said, behind the “payment of debts.”²⁷

My opinion is against any overdoing of any sort of administration and, more especially, against this most monstrous of all meddling on the part of authority: the meddling with the subsistence of its people.... [One must] manfully...resist the very first idea, speculative or practical, that it is within the competence of government...to supply the poor with necessities.... To provide for us in our necessities is not in the power

of government. It would be a vain presumption in statesmen to think they can do it. The people maintain them and not they the people. It is in the power of government to prevent much evil; it can do very little positive good in this, or perhaps in anything else.²⁸

Burke was further concerned to insure that governmental activity serve to maintain a “consistent whole”—a coherent social order “whose parts...do not clash.” This, he believed, required a politics of principle, for such an integrity can only be generated and sustained by the steady application of certain fixed principles over time. As Burke put it, “the best legislators have been often satisfied with the establishment of some sure, solid, and ruling principle in government...and having fixed the principle, they have left it afterwards to its own operation.”²⁹ Modern market theorists could not express it better themselves. For they are similarly concerned to draw attention to the fact that the simultaneous application of irreconcilable principles—the “principle” of economic “intervention” and the principle of the market—can never produce a coherent social order.³⁰

Burke’s commitment to market principles was indeed profound, for he regarded these as an expression of God’s will. As he put it, “the laws of commerce...are the laws of nature, and consequently the laws of God.” He regarded the laws of economics as a manifestation of the Divine Law whereby the “benign and wise Dispenser of all...obliges men, whether they will or not, in pursuing their own selfish interests, to connect the general good with their own individual success.” Adam Smith would express a similar idea through his famous metaphor of “the invisible hand.” To violate the laws of economics was, then, for Burke, to violate the will of God. Indeed, he suggests that endeavors to override the results of the spontaneous market process are sacrilegious; economic scarcity seemed to him one manner in which God revealed his will, and the “attempt to soften...the Divine displeasure” by man-made contrivances, presumptuous.³¹

On Religion and Politics

Burke was an orthodox Christian. Although he recognized that civil society is the outcome of a complex historical process, he also regarded that process as itself the handiwork of God, a “Divine tactick,” said Burke, whereby God works his will in human history.³² Burke, then, believed in a natural yet providential order, in the existence of a Divine Plan that manifests itself through the historical evolution of concrete and particular societies. He also regarded the state as a God-given means of human fulfillment. As Burke put it, “He who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection. He willed therefore the State.”³³

For Burke, then, the ultimate foundation of civil society was a religious one. He believed that God had placed each person in his “appointed place,” that only acquiescence to his Plan could induce peace and contentment among the constitutionally and irremediably unequal members of any social order, and that only a people who feared God was capable of sustaining the morality indispensable to the maintenance of free government.³⁴ Public officials, he counseled, should regard their office as a trust, even a “holy function,” for which they are ultimately accountable to God. “All persons,” Burke said, “possessing any portion of power...ought to be strongly and awfully impressed with the idea that they act in trust and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society.”³⁵ Burke was convinced, moreover, that a highly developed religious consciousness was indispensable to the continuity and endurance of the political order over time, that such a consciousness was necessary to forge the sacred bond among generations without which it must dissolve into the “dust and powder of individuality and at length [be] dispersed to all the winds of heaven.”³⁶ In a word, it seemed to Burke that faith in the political order was best secured if “the whole great drama of national life” was “reverently received as ordered by a Power to which past, present, and future are organically knit stages in one Divine plan.”³⁷

On Rights

Burke is famous for his critical attack on the newfound “Rights of Man” demanded by the French Jacobins and fellow travelers. Although he sometimes distinguished what he considered the “real rights of men” from the “pretended rights” asserted by the Jacobins,³⁸ Burke’s chief purpose was to defend what he called “prescriptive rights”—time-honored expectations whose legal validity and philosophical justification derive from custom and long usage. “If civil society be the offspring of convention,” says Burke, “that convention must be its law.”³⁹ Although he never argued from *a priori* assumptions to principles of right, we’ll see that Burke did regard the prescriptive rights that emerged throughout the course of historical evolution as the mundane manifestation of the transcendent natural law.

On Law and Morals

As discussed, Burke regarded the manners, morals, law, and customs which constitute the foundation of social order as “grown” phenomena, products of historical evolution and not of abstract speculation or conscious contrivance. The Christian-humanist Burke, however, also believed in the existence of the moral natural law; that is, he assumed “a moral code to have existed prior to government and in independence of it,”⁴⁰ a code ultimately attributable to God, the “original Archetype” of law, morals, and government.⁴¹ For Burke, the natural law was the ultimate standard by which human law was to be measured, and he emphatically rejected the positivism of Hobbes and indeed any conception of law as the product of human will. As he put it, “All human laws are, properly speaking, only declaratory; they have no power over the substance of original justice.”⁴² Nevertheless, the law he advocated on a practical basis was the law embodied in the British constitution and common law, which, as said, he interpreted as a mundane manifestation of the transcendent natural law. The law Burke revered was, to his mind, at once God-given and historically evolved.

Burke, in short, like his Whig forebears, believed in the

existence of a higher moral law to which all valid positive law must conform,⁴³ a universal law which manifests itself in diverse concrete forms, in the great variety of legal codes and customs that constitute particular cultural traditions. His belief in the moral natural law enabled Burke to condemn Warren Hastings as easily as the Protestant Ascendancy and the slave-traders. Although he recognized that circumstances and the temper of public opinion set limits to the rate and extent of reform at any given time, he was ever a champion of universal justice.

While Burke denies, then, that moral precepts are the product of historical evolution (“history,” he said, “is a preceptor of prudence, not of principles”⁴⁴), he also believed that inherited moral precepts embody the distilled essence of the cumulative experience of preceding generations. He further believed that the moral and legal principles embodied in the traditional British constitution are the only rules compatible with free government, and this fact too he regarded as an element of the Divine Plan.

Burke’s central point is that moral or legal rules are not the product of human invention and most emphatically not of “arbitrary legislative [or, we might add, judicial] will.”⁴⁵ Nothing, Burke wrote, is “more truly subversive of all the order and beauty, of all the peace and happiness, of human society than the position that any body of men have a right to make what laws they please, or that laws can derive any authority from their institution merely and independent of the quality of the subject-matter.”⁴⁶

On the Whig view to which Burke subscribed, the validity of law is independent of its source; *who* makes a rule, whether the people or a tyrant, is irrelevant. The Old-Whig Burke denied that the exercise of will, whether arbitrary or rational, has anything to do with the determination of law.⁴⁷ He would undoubtedly concur with the view that lawmaking entails the ongoing articulation of the rules that maintain a working social order, rules that must cohere with the body of established moral and legal rules (explicit and implicit) that generated and sustain that order.⁴⁸ As such, it is a pointed intellectual task that must be undertaken by persons well versed in both jurisprudence and social theory and well

attuned, moreover, to the tacit dimension of their society. The exercise of will is irrelevant to such a task; the appropriate rules are discerned and found, not proclaimed.⁴⁹

Burke believed that man carries the imprint of moral (and thus civil) law within his being, imprinted, he said, by the “will of Him who gave us our nature and in giving impressed an invariable law upon it.”⁵⁰ He thus believed in the existence of an objective body of obligatory moral and legal rules, rules that have shaped and sustain constitutional government and that constitute their irreplaceable foundation. Inherited rules and values are thus binding on those who would preserve constitutional government—the political expression of those values and rules. Those who would preserve the liberal order are not free to “revalue all values,” as Nietzsche exhorted, or to abandon traditional Judeo-Christian morality merely because they may not comprehend its significance or appreciate the restraints it imposes; for such action would entail the destruction of the kind of free and civilized society engendered and sustained by that morality.

In an age when the religious truths that guided Burke’s unhesitating step no longer inform the dominant worldview, rational comprehension of the function served by moral traditions and inherited rules may thus be indispensable to the preservation of civilized values and free government. For Western society presently stands at a curious juncture. The authority of the moral and political traditions whose observance generated the liberal order has eroded in many quarters, and it has been suggested that we are living on the “moral capital” of an earlier era. One may hope that rational insight into the function served by inherited moral and political traditions in regard to the maintenance of civilized society may supply the want of traditional authority—religion and custom—increasingly characteristic of our time.

Despite Burke’s valiant resistance, the “French” doctrines he feared and despised have proved more congenial to the modern temper than the English ideals Burke himself championed. The

past several centuries have witnessed the triumph of “political freedom” over liberty-under-law; the fondness for techniques of conscious organization over spontaneous coordination; positivistic jurisprudence and scientific social science; Comte, Marx, and “managed competition;” the war against traditional morality; the demand for rational justification of values; democratic despotism and radical equality; centralization of political power; “officious universal interference”—each and every one a derivative of the “armed doctrine” Burke dreaded.

Those who would champion Burke’s cause several centuries later, do so, then, under the most unfortunate circumstances, for the contemporary mind has been profoundly shaped by Enlightenment doctrines; the more “modest and...humble creed” of Burke and his Whig forebears has long been on the defensive.⁵¹ The English ideal, the ideal of a “free government...that...temper[s] the...opposite elements of liberty and restraint in one consistent work,” doesn’t seem to set the modern heart on fire.⁵²

Perhaps, however, it’s still possible to hope that Burke’s heroic “exertions...[in the] struggle for the liberty of others” may yet prove not to have been in vain.⁵³ Be that as it may, the integrity and wisdom of this great thinker constitute a steady beacon to inspire and guide those who may be disheartened by the current course of events.

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NOTES

1. Edmund Burke, *Appeal from the New to the Old Whigs in The Works of the Right Honorable Edmund Burke*, 7th ed., Vol. IV (Boston: Little, Brown, and Company, 1881) 143.

2. Peter J. Stanlis, “Edmund Burke in the Twentieth Century,” in Peter J. Stanlis, ed. *The Relevance of Edmund Burke* (New York: P. J. Kenedy & Sons, 1964) 45.

3. Friedrich. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960) 3.

4. Burke, *Appeal*, 188.
5. "The Petition of Grievances of 1610," cited in Hayek, *Constitution*, 168, 163.
6. John Locke, cited in Hayek, *Constitution*, 170.
7. Hayek, *Constitution*, 172.
8. The following are representative of Burke's Whig outlook:
"Arbitrary power...is a subversion of natural justice, a violation of the inherent rights of mankind." (*Thoughts and Details on Scarcity*, in *The Works of the Right Honourable Edmund Burke*, Volume VI [London: Oxford University Press, 1907] 27)
"[T]he judicature...ought to [be] ma[d]e, as it were, something exterior to the state,...radical[ly] independent,...constituted to resist arbitrary innovation...and calculated to afford both certainty and stability to the laws." (Edmund Burke, *Reflections on the Revolution in France*, ed. J.G.A. Pocock [Indianapolis: Hackett Publishing Company, 1987] 181)
"The vice of the ancient democracies...was that they ruled...by occasional decrees.... This practice...broke in upon the tenor and consistency of the laws; it abated the respect of the people toward them, and totally destroyed them in the end." (*Reflections*, 182)
"Indeed, arbitrary power is so much to the depraved taste of the vulgar...that almost all the discussions which lacerate the commonwealth are not concerning the manner in which it is to be exercised, but concerning the hands in which it is to be placed." (*Appeal*, 163)
9. Blackstone's *Commentaries*, cited in Hayek, *Constitution*, 173.
10. Burke, *Appeal*, 97. Burke understood the extent of political participation to be a matter of convention and not of principle.
11. Hayek, *Constitution*, 57.
12. Francis Jeffrey, cited in Hayek, *Constitution*, 57.
13. Burke, *Appeal*, 81.
14. F.A. Hayek, *The Fatal Conceit* (Chicago: University of Chicago Press, 1988) 18.
15. Burke, *Reflections*, 27, 47, 85.
16. F.A. Hayek has argued that those institutions and prac-

tices that were observed long enough to form a “tradition” did so because they contributed to the survival and flourishing of the groups who observed them; those most adapted to the circumstances of human existence progressively displaced less “successful” practices. For Hayek, tradition is precious because it embodies the collective experience of our forebears and thus, as Burke also stressed, more knowledge than any person or group could possibly gain in one lifetime. Enduring traditions, Hayek argues, were transmitted for a reason, however inaccessible it may be to the individual intellect. Burke, for all his emphasis on the spirituality of social life, would not be offended by Hayek’s survival criterion: “I never will suppose that fabric of a State to be the worst if it contains a principle favorable (however latent) to the increase of mankind.” (Burke, *Reflections*, 113) And, “[n]o country in which population flourishes and is in progressive improvement can be too bad a government.” (Ibid., 112)

17. Hayek, *Constitution*, 110.

18. Pocock, in *Reflections*, xxxiii-xxxviii.

19. Burke, *Reflections*, 218.

20. Ibid., 76.

21. Hayek, *Constitution*, 94.

22. Burke, *Scarcity*, 32, 20. Burke’s discussion of the market suggests that he was aware of what Hayek was later to emphasize so emphatically, namely, the knowledge problem to which the market is the solution. “It is better,” Burke says, “to leave all [contractual] dealing...entirely to the persons mutually concerned in the matter contracted for than to put this contract into the hands of those who can have none, or a very remote interest in it, and little or no knowledge of the subject.” (Ibid., 11, 9) And, the “[m]arket is the meeting and conference of the consumer and producer, when they mutually discover each other’s wants.” (Ibid., 18) The correspondence to Hayek’s understanding of the market as a discovery process is noteworthy.

23. Burke, *Scarcity*, 10, 22, 15, 32, 27. See also Ibid., 11, 13.

24. Ibid., 11, 32.

25. Burke, *Reflections*, 91.

26. We should note, however, that neither Burke nor any of the eighteenth-century British economists did in fact advocate any sort of *laissez-faire* policy. They knew that the market process is dependent upon a particular institutional structure and that government has certain indispensable functions to perform in regard to the economic sphere. The concept of “laissez-faire,” as Hayek points out, was foreign to the British tradition that he and Burke represent; the very term reveals its roots in the “French” or Continental rationalist tradition. (*Constitution*, 60)

27. Burke, *Scarcity*, 13.

28. *Ibid.*, 32, 22, 2.

29. Burke, *Reflections*, 149. Speaking of the new French “constitution,” Burke wrote: “I do not see a variety of objects reconciled in one consistent whole, but several contradictory principles reluctantly and irreconcilably brought and held together by your philosophers, like wild beasts shut up in a cage to claw and bite each other to their mutual destruction.” (*Reflections*, 159-160)

30. F.A. Hayek, *The Mirage of Social Justice* (Chicago: University of Chicago Press, 1976) 128-129.

31. Burke, *Scarcity*, 22, 9.

32. Burke, cited in John MacCunn, “Religion and Politics,” in Daniel E. Ritchie, ed. *Edmund Burke: Appraisals and Applications* (New Brunswick: Transaction Publishers, 1990) 191.

33. Burke, *Reflections*, 86.

34. *Ibid.*, 85.

35. *Ibid.*, 83, 81.

36. Burke, cited in MacCunn, “Religion and Politics,” 183.

37. *Ibid.*, 186.

38. Burke, *Reflections*, 51, 54.

39. *Ibid.*, 52.

40. Stanlis, *Burke and the Enlightenment*.

41. Burke, *Reflections*, 86.

42. Burke, “Tract on the Popery Laws,” cited in Stanlis, *Burke and the Enlightenment*, 18.

43. “[T]he notion of a higher law above municipal codes and

constitutions, with which Whiggism began...is the supreme achievement of Englishmen and their bequest to the nations." (Lord Acton, *Lectures on Modern History* [London: Macmillan and Co., Limited, 1930], 217-218)

44. Burke, cited in Stanlis, "Edmund Burke in the Twentieth century," 23.

45. Adam Ferguson, cited in Hayek, *Constitution*, 57.

46. Burke, "Popery Laws," cited in Stanlis, *Burke and the Enlightenment*, 16.

47. "The people at large...should not be suffered to imagine that their will, any more than that of kings, is the standard of right and wrong.... [T]hey ought to be persuaded that they are...[not] entitled...to use any arbitrary power whatsoever...or to exact from [public officials]...an abject submission to their occasional will." (Burke, *Reflections*, 82) And "[n]either the few nor the many have a right to act merely by their will, in any matter connected with duty, trust, engagement, or obligation." (Burke, *New to Old*, 162)

48. Burke's view was similar to that of Hayek: any proposed statute, said Burke, must be "reconciled to all established, recognized morals, and to the general, ancient, known policy of the laws of England." (Burke, *New to Old*, 134)

49. See F.A. Hayek, *Law, Legislation, and Liberty* (Chicago: University of Chicago Press, 1973-1976).

50. Burke, "Popery Laws," cited in Stanlis, *Burke and the Enlightenment*, 17.

51. Hayek, *Constitution*, 8.

52. Burke, *Reflections*, 216.

53. *Ibid.*, 218.