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POLITICAL THOUGHT
OF
BURKE AND JEFFERSON

BY

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PREFACE

No pretence is made here to originality. The following pages do not contribute to Burkian literature, nor do they add to Jeffersonian scholarship. The new thing about the thesis is the fact that it is the first time, as far as I know, that the two political thinkers, Edmund Burke and Thomas Jefferson, have been brought together to be compared and contrasted. Several factors combine to make real contribution almost impossible:

Firstly, it is too early for an Arab student of political thought to assume the role of arbiter between two Western Political Thinkers. Our first attempt must be directed towards assimilating Western culture and Western political thought.

Secondly, the University Library does not contain all the books or most of the books that are necessary for such a study. There is, for instance, no one complete edition of Burke's works; and the only original writings of Jefferson that exist in our library is a limited selection from his letters to John Adams.

Thirdly, the subject is so wide that it requires a whole life devoted to research and study.

I can see, however, at least one advantage in this attempt; and that is with reference to ^{the} political movements in our lands and the social and political thinking of the Arabs in our age. For, generally speaking, there are two ^{main} tendencies in the Arab World:

1. One is a conservative, reactionary tendency which, in order to protect what has remained of national life and national traditions against the invading West, appeals to the past with an obstinacy that rejects all change.

2. The other is a radical, revolutionary tendency, accompanied by a levity disgusted with every thing that exists, proposing to make a tabula rasa of the past and to westernise completely the Arab World.

When we come to the domain of ideologies we find that the Western thinkers, known best to the Arabs and generally admired by them, are extremists who cannot help us solve, wisely and safely, our social and political problems. The best known European political thinker in the Arab World, for the last one hundred years, has been Jean Jacques Rousseau. The individualistic side of his theory was very much appreciated by the Arabs, for they are themselves extreme individualists, not to say anarchists. The other side of Rousseau's theory has also its adherents, for extreme individualism is bound to lead to extreme totalitarianism, and the latter forms of this tendency, namely Fascism and Nazism, appealed very strongly to the Arab

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youth as a necessary means to national salvation and cultural rebirth.

The other European thinker who has recently come to play a role greater than any other man, in the Arab East as elsewhere, is Karl Marx as interpreted by Soviet Russian agencies. And it is hardly necessary to say that Marx's philosophy is fundamentally opposite to our conception of life. Nay, it is the very negation of our history and of all that go to form the basis of our national existence.

Marx, Rousseau and their disciples, I am convinced, are capable of producing the most unfortunate results. In the midst of the furious battles between the clashing ideologies and the contradictory tendencies, I believe there is only one way of escape. It lay along the road of moderation, compromise and common sense. That is the great lesson that we can learn from the Anglo-Saxons in their historical development which, roughly speaking, has tended to follow a middle course, combining devotion to liberty with respect to authority, hope for the future with reverence for the past, and tolerable conservatism with prudent reform.

It is with this conviction that I have embarked on the study of Edmund Burke and Thomas Jefferson, hoping to be able, someday, to introduce them, with the civilized and compromising attitude of their race, to the Arabic-speaking peoples. I shall not fail then to make a real contribution by adding materially to Arabic political literature.

* * *

I wish to thank Professor Soltau for taking the trouble of sending me the complete Works of Jefferson from the United States; and Professor Wellston for the many books he lent me and for his penetrating remarks on Burke's philosophy. Many thanks go to Mr. Isawi who patiently went over the whole manuscript and gave constant and invaluable advice.

I should not fail to thank also the Administration, Mrs. Shahla and Dr. Shahid, Mr. Khlaf and Mr. Ashur and many other sincere friends who made it possible for me to finish the work at my sick-bed in the hospital.

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Adib Nassour

BOOK I

THE POLITICAL THOUGHT

OF

EDMUND BURKE

CHAPTER I

THE BRITISH BACKGROUND OF BURKE'S POLITICAL PHILOSOPHY

In this chapter, I shall endeavour to show that Burke's Political Philosophy is deeply rooted in the tradition of his country. This does not imply that Burke was not influenced by the French Political Philosophy of the Eighteenth Century or by the old masters of Greek political thought. In fact, Burke's great teacher was Aristotle. His whole conception of government as an art, his deep conviction that the state was a natural institution, his respect for custom and tradition and his caution in dealing with existing laws and old establishments, his theory of the mixed constitution¹... all of them are, to a large extent, conceived and developed on the Aristotelian Pattern. To descend to particulars here is a quotation from Burke's Reflections on the French Revolution in France: "If I recollect rightly, Aristotle observes, that a democracy has many striking points of resemblance with tyranny. Of this I am certain, that in a democracy, the majority of the citizens is capable of exercising the most cruel oppressions upon the minority, whenever strong divisions prevail in that kind of policy, as they often must; and that oppression of the minority will extend to far greater numbers, and will be carried on with much greater fury, than can almost ever be apprehended from the dominion of a single sceptre". The passage to which Burke refers is drawn from Aristotle's Politics: "The ethical character is the same. Both exercise despotism over the better class of citizens; and decrees are in the one, what ordinances and arrêts are in the other; the demagogue too, and the court favourite, are not infrequently the same identical men, and always bear a close analogy; and these have the principal power each in their respective forms of government, favourites with the absolute monarch; and demagogues with a people such as I have described."²

Although Burke imbibed more of the Greek spirit than the Roman, his reading lay more with Roman authors than with Greek. The writings of Cicero, for instance, occupied a high place in his esteem. Cicero is "the model on which he laboured to form his own character, in eloquence, in policy, in ethics and philosophy" - wrote Sir Philip Francis to Lord Holland.³ Burke himself, when he was impeaching Warren Hastings, remarked:

'We have all, in our early education, read the Verrine Orations. We may read them, not merely to instruct us, as they will do, in the principle of eloquence, and to acquaint

us with the manners, customs, and laws of the Ancient Romans, of which they are an abundant repository; but we may read them for a much higher motive. We may read them from a motive which the great author had doubtless in view, when by publishing them he left to the world and to the latest posterity a monument, by which it might seem what course a great public accuser, in a great public cause, ought to pursue; and, as connected with it, what course judges ought to pursue, in deciding upon such a cause.'

French political thought formed an important part of the intellectual heritage of Edmund Burke, and Montesquieu had given Burke the clue to some great political truths - the sense of law as the voice of past wisdom, the relativity of law, the high regard for prescription. But the greatest contribution of Montesquieu lay in his method, to which I shall refer in the second chapter. He was, said Burke, "the greatest genius which has enlightened this age."⁴

Leaving aside, however, as beyond our task, all consideration of the varried and contrasting influence on Burke of the ancient political thought and the French Political Philosophy, we proceed to consider the influence of British thinkers and begin our inquiry with John Locke.

Locke provided the theory for the glorious Revolution of 1688 which began the Eighteenth Century of English Politics; and his work gave to the principle of consent a permanent place in English thought. His theory of Contract, as applied to the relation between Governor and Governed, put an end to the dogma of Divine Right. It reduced the King to a position of equality with his subjects and introduced the concept that the institution of government is in the nature of a trust, the terms of which are liable to be revised at any moment.

But with the exception of the principle of Consent, the Lockian theory of government failed to command the admiration of the majority of British thinkers. In fact, one of the main characteristics of English thought in the eighteenth century was its reaction against the abstract system of Locke. Before Burke started to demolish it with the help of historical arguments, others moving very often from different angles, had already begun the assault upon Locke's political and juridical theories, which had provided both the philosophical platforms of the party which carried the revolution of 1688, and the theoretical foundation of the individualistic tendencies of the times. To them Burke owes a good deal.

We might well begin with Joseph Butler⁵, one of the first who attempted to establish both morals and politics on a basis sounder than the one which had hitherto prevailed.

Though not entirely rejecting the A PRIORI method, Butler does not believe that it can be applied to the study of society and of the various circumstances of life.

"One (the a priori method) begins from inquiring into the abstract relations of things; the other (the a posteriori method) from a matter of fact, namely, what the particular nature of man is, its several parts, their economy or constitution; from whence it proceeds to determine what course of life it is, which is corresponded to this whole nature... the first seems the most direct formal proof, and in some respects the least liable to cavil and dispute; the latter is in a peculiar manner adapted to satisfy a fair mind; and is more easily applicable to the several particular relations and circumstances in life".⁶

Considered in its practical aspects, human nature is conceived by Butler not only as a system of tendencies within which a certain equilibrium is to be maintained, but also as a system within which dominate a few "active principles", others being kept in a subordinate condition. Conscience is the most important of them; its power and authority are supreme, since conscience represents the will of God.

Butler's profound historical consciousness has, however, for our present purposes, an interest greater than his moral teaching. He objected very strongly against "attempting to put in practice the most perfect theory that it is impracticable, or too dangerous to be attempted"⁷. Man has to reckon with other forces, continues Butler:

"And whoever will thoroughly consider, in what degree mankind are really influenced by reason, and in what degree by custom, may, I think, be convinced, that the state of human affairs does not even admit of an equivalent for the mischief of setting things afloat; and the danger of parting with those securities of liberty, which arise from regulations of long prescription and ancient usage."

The inheritance we have received from our forefathers is to be looked upon with reverence, and no rash reform of mankind is to be attempted:

"Reasonable men therefore will look upon the general plan of our constitution, transmitted down to us by our ancestors, as sacred; and content themselves with calmly doing what their station requires, towards rectifying the particular things which they think amiss, and supplying the particular things which they think deficient in it, so far as is practicable without endangering the whole."

Any theory based on the assumption of the social contract or of the state of nature is wrong. Civil government is a natural product, which means, in the terminology of the eighteenth century, a historical product: "Civil government has been, in all ages, a standing publication of the law of nature, and an enforcement of it; though never in its perfection."

Refusing to join the uncritical lovers of nature, Butler wanted to make everybody aware of the existence of primitive passions and dangerous tendencies in men. He opposed them both in the political and in the moral field; in the former by appealing to history and tradition, in the latter by invoking divine help and conscience. There can be no doubt that in both fields his influence on Burke must have been great.⁸

The position of Francis Hutcheson, belonging to the Scottish School of Common Sense, may be described as one very near to that of Butler. According to Hutcheson, however, the state did not rest mainly on those divine foundations which were repeatedly emphasized by the Bishop of Durham, but rather found its justification in the measure of happiness which it bestowed upon man. "...that action is best, which accomplishes the greatest happiness for the greatest numbers; and that, worst, which, in like manner, occasions misery"⁹. His whole moral system was imbued with utilitarian ideals: "We see then the moral faculty most approves and recommends such dispositions as tend most to the general good, and at the same time as may give the noblest enjoyments to the agent upon reflection"¹⁰. He thus identifies the collective and the individual good, an equation which Burke fully accepted, when he defined expediency as "that which is good for the community, and good for every individual in it"¹¹.

It is only with Hume, however, that the opposition to Locke's contractual rationalism makes a decisive step forward. To the naive and dogmatic Lockian ideology, Hume opposes historical reality and that "general opinion" which, if deprived of any value in physics or in metaphysics, is, however, a good weapon and constitutes a safe criterion of truth in the moral field. Hume was the starting point of a great part of British philosophy in the eighteenth century and to him political science owes a great deal, for his use of the utilitarian principle, conceived as a criterion of valuation, not only in the ethical but in the political field as well, and for his frequent appeal to experience in the study of social institutions. To those who inquire about the foundations of political obedience, Hume answers that it is the very existence of society which renders that obedience necessary:

"If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, because society could not otherwise subsist"¹².

Thus he raised the utilitarian principle to the rank of a fundamental canon of justification of our social duties.

As to the origins of civil government, Hume would appear in the beginning to favour some kind of tacit and unwritten covenant, but he refused to commit himself to the logical deductions of the contractualist theory that the contract was still valid, and that the government of even the most progressive and civilized countries could not possibly rest on any basis. To him any theory of the social contract designed not only to explain the historical origins of the state, but to become the corner stone of political obligation, was totally inadmissible.

Contract having been ruled out, what is then the binding tie between the ruler and the ruled? "Obedience or subjection becomes so familiar, that most men never make any enquiry about its origin or cause, more than about the principle of gravity, resistance, or the most universal laws of nature". Nor was that enough. Presently Hume appeals to a principle familiar to any student of Burke: the people "imagine not that their consent gives their prince a title, but willingly consent, because they think, that, from long possession, he has acquired a title, independent of their choice or inclination".

To the complete denial of the contractualist theory and of the freedom and initiative of the people at the beginning of every new form of government, he adds a plea in favour of continuity in the chain of human events:

"But, as human society is in perpetual flux, one man every hour going out of the world, another coming into it, it is necessary, in order to preserve stability in government, that the new brood should conform themselves to the established constitution, and nearly follow the path which their fathers, treading in the foot-step of theirs, had marked out to them. Some innovations must necessarily have place in every human institution, and it is happy where the enlightened genius of the age gives these a direction to the side of reason, liberty and justice; but Violent innovations no individual is entitled to make; they are even dangerous to be attempted by the legislature; more ill than good is ever to be expected from them, and if history affords examples to the contrary, they are not to be drawn into precedent, and are only to be regarded as proofs, that the science of politics, affords few rules, which will not admit of some exception, and which may not sometimes be controlled by fortune and accident."

In his speech on the reform of the representation of the House of Commons, Burke used the same language. But Hume's philosophy, on the other hand, reached conclusions which Burke could but label with the name of skepticism.

Against that skepticism, we witness the reaction of the Common Sense School, led by Thomas Reid. Briefly told, the philosophy of the Scottish thinker and of his followers represents a revolt against the spirit of destructive criticism and an attempt to create for the mental processes a

firmer basis, which is found either in experience, or in a set of original and axiomatic formulae called the principles of common sense. Beyond these principles there are mysteries which the philosophers of this school agree in regarding as incapable of solution. "This is a position very close to Burke's mind", wrote Prof. Einaudi, "toward the fabric of human society the attitude was one of reverence and awe, and in the hands of the gifted Irishman (Burke) the doctrine of common sense will be changed into a doctrine of historical sense, the historical tradition being nothing but the common sense of mankind".¹³

There are, according to Reid, principles which have to be accepted as valid without demonstration. They are the foundations of all reasoning and of all science. When men attempt to demonstrate or discuss them, they always fall into inconclusive reasoning, doubt, and deny them at the end.

Adam Ferguson tried to discover the laws which rule the progress and decay of nations and to classify them according to their main characteristics. In this he followed Montesquieu. To Ferguson the study of man's condition in the state of nature appeared wholly irrelevant, as were "the hypotheses as to the emergence of man from the condition of the lower animals, or from a state of warfare waged by every man against every other."¹⁴ Man was to be considered essentially as a participant in civil society. The search for the ideal state of nature need not disturb the political thinker, because the natural state of man is the social one:

"If we are asked, therefore, where the state of nature is to be found? We may answer, it is here, and it matters not whether we are understood to speak in the Island of Great Britain, at the Cape of Good Hope, or the Straits of Magellan. While this active being is in the train of employing his talents, and of operating on the subjects around him, all situations are equally natural."

No wonder that such a thinker should attract the attention and sympathy of Burke. In a review which Burke wrote for the Annual Register as soon as the Essay on the History of Civil Society was published, he did not conceal his satisfaction:

"Many of the authors who have written on man, and those too some of the most ingenious, have set out by considering him as an animal, solitary by nature, and others, not satisfied with this blindness to what we read and see of his condition, in almost all ages and countries, have no less preposterously made him a mischievous one... Mr Ferguson, instead of adopting either of these capital mistakes.. has refuted them both in the most masterly manner."¹⁵

But the philosophers of the Scottish School were not the only group to impress Burke with the soundness of their ideas; economists, too, like Smith, were there and historians, who, like Robertson, threw a "halo around the past", linking it with the growth and present development of nations. Smith's theory of Moral Sentiments, his Wealth of Nations, and several of Robertson's works were reviewed in the Annual Register by Burke himself.

"It may conclusively be asserted," wrote Mario Einaudi, "that to the philosophers of common sense he owed not only the best arguments in his devastating criticism of the abstract theory of rights and of the social contract, but also, even if it be allowed that his genius revealed for the first time what was the real significance of the historical method, the first approach to it". 16

In concluding this review of some of the British sources of Burke's thought, one word may be added in regard to Bolingbroke's influence. It is true that it was against Bolingbroke's skepticism that Burke turned his pungent satire in 1756 with a Vindication of Natural Society, and in an often quoted passage Burke wrote: "I do not often quote Bolingbroke, nor have his works in general left any permanent impression on my mind. He is a pre-emptive and a superficial writer". But intensely as he detested Bolingbroke's theology, in politics he was his disciple, and the developer of many of his ideas. Bolingbroke said in 1738: "The ultimate end of all governments is the good of the people, for whose sake they were made, and without whose consent they could not have been made". This is true Whiggism and Burke echoed it.

Again Bolingbroke defended the idea of a national church representative of the unity of the people of England on the spiritual side. He wrote to safeguard the interests of the landed classes and to maintain the amenities of rural England. Any form of national government, according to the author of the Patriot King, must contain a strongly aristocratic element. For the "Author of Nature has thought fit to mingle a few, and but a few, of those on whom he is graciously pleased to bestow a larger proportion of the ethereal spirit than is given in the course of His Providence to the Sons of men. These are they who engross almost the whole reason of the species, who are born to "instruct, to guide, and to preserve." 17

In these and other Bolingbrokean views concerning the theory of the balance of powers and the recognition of experience as being the test of truth, Bolingbroke was Burke's great forerunner. "For Burke," wrote Prof. Hearnshaw, "especially in his early and most impressionable years, was soaked in Bolingbroke, and his style never lost the form given to it by that Augustan master of resounding rhetoric". 18 But it was not possible for a prominent member of the Whig Party during the reign of George III, the son of Bolingbroke's model "Patriot King", to avow openly his debts.

These are some of the tendencies which undoubtedly contributed to the formation of Burke's thought. Another source of inspiration is to be sought, however, in British public life and especially in the English Parliament, and in the Wealth of ideas suggested by English institutions. Thus British thought and English tradition combined to produce Edmund Burke, a typical British political thinker and statesman.¹⁹

CHAPTER II

THE HISTORICAL APPROACH TO POLITICS

Toward almost everything, Burke's attitude ^{was} one of revolt against the characteristic rationalism of eighteenth century "enlightenment". He detested the abstractions of Rousseau and his followers and rejected speculative theories and all precise formulae. The Englishman's distrust of reasoning and logic, which is a deep rooted national prejudice, appeared very clearly in one of his earliest writings. "A mind", wrote Burke in the Preface to A Vindication of Natural Society, "which has no restraint from a sense of its own weakness, of its subordinate rank in the creation, and of the extreme danger of letting the imagination loose upon some subject, may very plausibly attack everything the most excellent and venerable; that it would not be difficult to criticize the creation itself; and that if we were to examine the divine fabric by our ideas of reason and fitness, and to use the same method of attack by which some men have assaulted revealed religion, we might, with as good colour, and with the same success, make the wisdom and Power of God in his creation appear to many no better than foolishness."¹

Individual reason is limited and the a priori method tends to be dangerous and destructive. For "what would become of the world if the practice of all moral duty and the foundation of society, rested upon having their reason made clear and demonstrative to every individual?"² The substitution of abstract speculation for experimental observation can only lead to anarchy and Burke as early as 1756 detected the dangerous tendencies which were to shake the whole world in his old age.

Besides, the a priori method of reasoning presented the state and its institutions in a false perspective. For none of the states had been formed upon a regular plan. They all have been growing, and have been influenced in their growth by a great variety of accidents. Moreover, the abstract method leads to an absolute system of politics, which is bound to be erroneous. For "nothing universal can be rationally affirmed on any moral or any political subject."³

Therefore, Burke turned aside from the abstract and legalistic methods of the political theorists as unstatesman-like and unsuitable, and introduced the methods of the Historical School to the study of politics. The method which had been applied to the recorded annals of the past, by Montesquieu, was now applied to the current problems of the day.

The historical method means the appeal to history and Burke believed that much political wisdom may be learnt from that source; "that is, learnt as a habit, not as a repertory of cases and precedents for a lawyer".⁴ But History meant to Burke much more than that. It is, on the one hand, the study of human nature as it has actually functioned in accepted tradition and in tried and tested institutions; and it is, on the other hand, the "known march of the ordinary providence". To appeal to history, then, is to consult human experience and to discover the divine law that governs the world.

The distrust of the abstract and the reliance upon history, however, did not prevent Burke from exercising his generalising faculty and from employing his reason with brilliant results. His various works are full with passages in which profound wisdom is concentrated in a single phrase. Here are few illustrations:

- Nobody will be argued into slavery.⁵
 I know no method of drawing up an indictment against a whole people.⁶ Art is man's nature.⁷
 A theory concerning government may become as much a cause of fanaticism as a dogma in religion.⁸
 Where power is concerned, he who will confer benefits must take security against ingratitude.⁹
 Power, and eminence, and consideration, are things not to be begged. They must be commanded.¹⁰
 It is laid in the unalterable constitution of things; none can aspire to act greatly, but those who are of force greatly to suffer.¹¹
 War never leaves, where it found a nation.¹²
 A Nation is not governed which is perpetually to be conquered.¹³
 Wisdom cannot create materials; they are the gifts of nature or of chance; her pride is in their use.¹⁴

Such sayings reveal the most marked peculiarity of Burke's mind - the admirable combination of the generalising faculty with a respect to concrete facts. "His theorising", as Sir Leslie Stephen put it, "is always checked and verified by the test of specific instances, and yet in every special case he always sees a general principle".¹⁵ He explains his method himself in a speech made in 1792. The Professor, he says, deals simply with general principles; a statesman applies them to varying circumstances; without abstract ideas all political reasoning would be a jumble, without facts a useless frivolity.¹⁶ "I do not vilify theory and speculation - no, because that would be to vilify reason itself", he said to clarify his position. "No, whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory, is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men - does it suit his nature in general - does it suit his nature as modified by his habits?"¹⁷

But, before it could become the auxiliary of politics, theory had to fit itself to circumstances too. And the question arises, is it possible for a theory in politics to fulfill such requirements? To which Burke's answer would be that for a statesman, theory must assume the form of a principle. "Without the guide and light of sound well-understood principles, all reasonings in politics, as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion"¹⁸. Whereas a professor in a university may take a general view of society, the statesman has "a number of circumstances to combine with those general ideas, and to take into his consideration. Circumstances are infinitely combined, are variable and transient; he, who does not take them into consideration, is not erroneous, but stark mad - he is metaphysically mad."¹⁹

The fact is that Burke approached the problems of politics, not as a philosopher and theorist, but as a practical statesman. He never concerned himself with theory until it had translated itself into practice. All of his earlier writings, for instance, from the Reflections to the Appeal from the New to the Old Whigs, were intended to assail the individualist side of Rousseau's doctrine; whereas in his final assault, the Letters on a Regicide Peace, he suddenly changes the issue and for the first time challenges the opposite strain in Rousseau's argument, the exaltation of the state at the expense of the individual. What is the reason of this apparent inconsistency? "The Regicide Peace", answered C.E. Vaughan, "was the first writing he composed after the Jacobin Triumph of 1793-4, and it was that triumph which first stamped the anti-individualist theory as a force to be seriously reckoned with in the field of action".²⁰

Thus, Burke composed no formal treatise on the science of politics or the theory of the state. He dealt with the current public affairs of the day, and most of his important utterances, whether of voice or of pen, grouped themselves round one or other of five great themes - namely, 1. Ireland, 2. The American Colonies, 3. The British Constitution, 4. The East India Company, and 5. The French Revolution. The rest of his works were devoted to minor issues of legislation and policy. But as he talked and wrote, the statesman who distrusted theory and hated the philosophers evolved a political philosophy of his own. Unfortunately his views, theories, and doctrines are scattered here and there, in books and pamphlets, in various speeches, and innumerable letters, and no scholar has yet tried successfully to reduce them to a definite system of politics. Perhaps they do not lend themselves to such a scientific treatment. My present task, however, is to give a fair account of the fundamental theories and doctrines of Burke, inspite of the fact that his doctrine was to have no doctrine at all.

CHAPTER III

POLITICAL RELATIVITY

The Relativity of law is a great central theme of Burke. It is closely connected with his aversion to abstract reasoning upon politics. Everything in politics being relative, theory had to give up its desire to find abstract rules that were true for all mankind at all times and in all places. Political problems do not fall primarily in the province of truth or falsehood. They relate rather to good or evil. But, here, again there is no absolute good or absolute evil; all depends upon the result, and what in the result is likely to produce evil, is politically false, that which is productive of good politically true.

It follows that there is no one best form of government of a state or constitution, for no constitution can be called good or bad in itself. Neither a law nor an institution is good or bad in the abstract. Burke insists on considering every law, civil, political, or ecclesiastical, in its due relationship to environment. The circumstances are what render every civil and political scheme beneficial or noxious to mankind. Even in his great onslaught upon French Revolutionists he wrote: "I reprobate no form of government merely upon abstract principles. There may be situations in which the purely democratic form will become necessary. There may be some (very few and very particularly circumstanced) where it would be clearly desirable."¹

The Rev. Robert Murray suggests that as Einstein is the discoverer of the truth of physical relativity, so Burke is the discoverer of the truth of political relativity.² Whether he deserves the credit of this discovery or not, is not my concern. The important thing to remember is that he profoundly believed in this far-reaching doctrine and that he applied it to all the problems that aroused his curiosity. In the American conflict Burke told the English you are treating America as if it were England; it is not, and no law will make it so. "The capital leading questions on which you must this day decide are these two: first, whether you ought to concede; and secondly, what your concession ought to be...Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us, because after all our struggle whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our own imaginations,

not according to abstract ideas of right, by no means according to mere general theories of government, the resort to which appears to me in our present situation no better than arrant trifling."3 Then he goes on to lay before parliament some of the most material of those particular circumstances - the growing population of the colonies, their commercial activity, their agriculture, their devotion to liberty, their protestant religion, their legal education, and the remoteness of their situation. "I never", he protested, "was wild enough to conceive that one method would serve for the whole, that the natives of Hindostan and those of Virginia could be ordered in the same manner."4

The circumstances, the habits, the traditions and temper of every country are to decide upon the form of its government. The rulers of India might be ruling badly, but as long as their rule is in accordance with Indian traditions it is better than an English Administration ignoring their genius, their religion, and their past history. The same doctrine was expounded in relation with the problem of Ireland and the great revolution of 1789.

The criterion of a free government or a good administration is to be itself relative. "If any ask me what a free government is, I answer, that, for practical purposes, it is what the people think it, and that they and not I are the natural, lawful, and competent judges in this matter."5 The happiness or misery of mankind is to be estimated by their feelings and sentiments, and not by any theories of their right. Public sentiment, therefore, ought to be the standard for the conduct of legislators towards the people.

If nothing absolute can be affirmed on any political question, then politics will never be able to become a science; it is destined to remain an art - an art of the highest dignity, yes, but it is a matter incapable of exact definition. Politics is for intuition and tact and prudence, but not for mathematical reasoning. And the success of the art of politics depends upon several factors which are themselves variable. Much depends, for instance, upon chance and the most insignificant incident. "The death of a man at a critical juncture, his disgust, his retreat, his disgrace, have brought innumerable calamities on a whole nation. A common soldier, a child, a girl at the door of an inn, have changed the face of fortune, and almost of nature."6 The character of the rulers should be taken into consideration as well. For in all situations of difficulty "men will be influenced in the part they take, not only by the reason of the case, but by the peculiar turn of their own character."7 Last, but not least, the temper of the people ought to be the object of the most serious study and concern.⁸

Statesmanship, therefore, consists primarily in one's ability of mastering the great empire of the circumstances and the accurate details of any given political situation. Such a mastery prepares the way for a convenient solution, and is itself the mark of prudence and of political wisdom.

Nothing absolute can be affirmed on any moral or political question - "Here is the very essence of the Englishman's political creed..." writes Rev. Robert H. Murray.⁹

CHAPTER IV

BURKES'S THEORY OF THE STATE

The great political philosophers of the seventeenth and the eighteenth centuries, notably Hobbes, Locke and Rousseau, were very much concerned with the question of the origin of society and spent their highest efforts in trying to provide a satisfactory answer. With them the question plays a very important part and the answer served as a basis for their political systems. By Burke, however, the question is only treated in passing and the answer to it is given not so much directly, as by implication. This is natural in a man whose first object was not speculative but practical.

At moments, he carelessly accepts the social contract theory and often seems to retain the typical eighteenth century myth that the state is based on some original pact. "Now though civil society might be at first a voluntary act (which in many cases it undoubtedly was) its continuance is under a permanent, standing covenant, co-existing with society, and it attaches upon every individual of that society, without any formal act of his own.¹ In another well-known passage, Burke used the social contract fiction for the purpose of reinterpretation, and managed to salute and destroy it.

"Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure - but the state ought not to be considered nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a

partnership in all science, a partnership in all art, a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place."²

Thus the Social Contract theory becomes in the hands of Burke a mere metaphor or a form of speech. For it was wholly alien from his system of thought. And what seems to be an acceptance of the theory, in several of his utterances, is but a formal one combined with substantial repudiation. One is inclined to think that there is a good deal of truth in Prof. Hearnshaw's remark that Burke, as a member of the Whig Party, as secretary to the Whig Prime Minister, and as the vindicator of whig policy in Parliament and Press, could not be disrespectful to the theory that justified the 'glorious revolution' of 1688, and upon which the whole edifice of eighteenth century Whiggism had been erected.³

In his sincere moments, Burke threw to the winds the fables of a state of nature and of a social contract, and reverted to the surer ground marked out by Aristotle and by Cicero. He asserted that the real parentage of Society was to be sought not in contract, but in instinct; that man was essentially a social creature and a political animal; that the real state of nature for man was not isolation but communion. To those who claimed that the state was an artificial creation and, as such, was no part of man's original furniture, Burke wrote: "The state of civil society... is a state of nature, and much more truly so than a savage and incoherent mode of life. For man is by nature reasonable, and he is never perfectly in his natural state, but when he is placed where reason may best be cultivated, and most predominates. Art is man's nature. We are as much at least in a state of nature in formed manhood, as in immature and helpless infancy."⁴ Society is perfectly natural in the sense that it is necessary to the development and perfection of human Powers. Without it man could not by any possibility arrive at the perfection of which his nature is capable. "He who gave our nature to be perfected by our virtues, willed also the necessary means of its perfection - He willed therefore the state..."⁵ The instincts which give rise to the mysterious process of nature are not of man's making. They are to be related to the 'awful author of our being and of our place in the order of existence'. In short Civil Society is the product of the Divine Will.

Being a purely natural product of divine origin and standing in a 'just correspondence and symmetry' with the order of the world, the state is more akin to an organism than to an organisation. It is true that Burke studiously avoids the metaphor of the organism and seems to prefer that of the mechanism or the building. For biology is a nineteenth century science and Burke could not have employed a biological conception before the days of Darwin. None the less, "in the spirit, if not in the letter we have the whole theory of the state as an organism."⁶ The elements of the state, the raw materials of the statesman, are viewed as natural forces. They are the 'powers growing wild from the rank productive forces' of nature; or 'the expansive force of fixed air in nitre'; they are 'the powers of steam, or of electricity or of magnetism'. And the body politic as a whole is a complex growth, with closely interdependent relations among its several parts and divisions.

But this organic nature of the state should not give the impression that commonwealths are physical organisms existing simply for material ends. Far from it, Commonwealths are moral essences and the right and duty of the state is to provide not merely for the material, but also for the moral welfare of its members. Thus Burke asserts the moral claim of the state, extends its functions to the whole circle of man's activities, and anticipates Hegel and all those who tend to idealize the state.

In conclusion we may repeat that Burke introduced the idea of society as an organism; of the state as arising from the will of God rather than from the wit of man; of the community as an entity claiming priority to each and all of its members. His was the first protest against the Lockian conception of the state as an artificial arrangement existing for strictly limited ends that do not extend beyond the protection of life and property - that conception which had been the ideal of all English thinkers began to retreat before the aggressive eloquence of Burke, and the way was being prepared for the transmutation of Old Whiggism into New Conservatism.

CHAPTER V

OF CONSERVATISM

"Burke at one time or another expressed almost the whole faith of modern Conservatism." - Spectator, July 23, 1927.

"Burke's writings are the Political Bible of all who are on the side of law, religion, property, and order". - A. A. Baumann.

In its essence Conservatism is a distrust of the unknown, an aversion to change, a preference for the old and familiar ways. Perhaps there is more of this natural conservatism in Britain than in any other Western land. E. Royston Pike writes in his 'Political Parties and Politics': "The Monarchy and the House of Lords, the Lord's Mayor Coach and the Beefeater's Tudor garb, the Admiral's cocked hat and the judge's wig, the hedgerows - so wasteful yet so beautiful - of the countryside, and driving on the left - each and all are expressions of the survival in our midst of the conservative principle."

Burke himself was full aware of this trait in the national character when he wrote: "Thanks to our sullen resistance to innovation, thanks to the cold sluggishness of our national character, we still bear the stamp of our forefathers. We have not lost the generosity and dignity of thinking of the fourteenth century; nor as yet have we subtilized ourselves into savages. We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvetius has made no progress amongst us. Atheists are not our preachers; madmen are not our lawgivers. We know that we have made no discoveries, and we think that no discoveries are to be made, in morality; nor may in the great principles of government, nor in the ideas of liberty, which were long understood long before we were born, altogether as well as they will be after the grave has heaped its mould upon presumption, and the silent tomb shall have imposed its law on our pertloquacity. In England we have not yet been completely embowelled of our natural entrails; we still feel within us, and we cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals. We have real hearts of flesh and blood beating in our bosoms. We fear God; we look up with awe to

kings; with affections to parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility."¹

This natural conservatism of the British, though it is by no means confined to Professed Conservatives, is the distinguishing characteristic of the Conservative Party. Conservatives, more perhaps than most men, reverence the past; they have an intense horror of wholesale destruction; they prefer an old institution, however patched it may be, to a brand-new but uninspiring creation. After all, they say, the old institution has worked. In the passage of the years many other ideas have been engrafted on the conservative stock, but this belief that it is better to preserve and improve than to destroy and make anew is to be traced throughout the whole history of the Party. Lord Hugh Cecil, in his admirable book on conservatism, argued that the French Revolution, by the antagonism it excited, united in one organized force the different conservative streams of opinion traceable far back in history. The man who accomplished that task, the thinker in whom the very genius of conservatism was incarnated, is Edmund Burke who still inspires and guides modern conservatives. "I would not exclude alteration neither; but even when I changed, it should be to preserve."² Lord Cecil comments: "This sentence might serve as a motto for Conservatism."

The philosopher who made the ablest defence of Conservatism ever published in the English language, had a great respect for law and order. "What the law respects shall be sacred to me. If the barriers of laws should be broken down, upon ideas of convenience, even of public convenience, we shall have no longer anything certain among us."³ From uncertainty he shrinks with great horror, and he is ready to tolerate many evils attached to the existing order; 'not from love of them, but for fear of worse'. After all, 'the old building stands well enough, though part Gothic, part Grecian, and part Chinese.' It will continue to serve our purposes 'until an attempt is made to square it into uniformity. Then it may come down upon our heads altogether, in much uniformity of ruin.'⁴ It would be, therefore, a blunder, a profanation, a crime 'to touch with a tool the stones which construct the sacred altar of peace.'⁵

This love of the stable order was accompanied by an incurable romanticism brought from the South of Ireland. The past had a particular charm for Burke and antiquity captivated his imagination. Rev. Robert Murray remarks that, in his *Essay Towards the Abridgement of English History*, Burke not only reconstructed a living past out of the bare facts preserved by chronicles, but showed a genuine love for the 'dark ages', which were scorned as Gothic and barbaric by the enlightened sons of the pre-romantic era. "To Burke, they were the glorious days of

medieval lore, when crusades called brave knights to the defence of the Holy Land against the infidel, and when 'our ancestors struggled to retain the liberty that had been their ancient heritage."⁶

The lover of the past, the admirer of antiquity refused to notice but the finest side of the old French Monarchy - the brilliant historical associations, the noble traditions, and the highborn gallantry. In his treatment of Marie Antoinette he shows himself to be the true exponent of the genuine principle of chivalry. I quote his beautiful passage to illustrate and to adorn - "It is now sixteen or seventeen years," so he wrote in 1790, "since I saw the queen of France, then the dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in, glittering like the morning-star, full of life, and splendour, and joy. Oh! What a revolution! and what a heart must I have had to contemplate without emotion that elevation and that fall! Little did I dream when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in that bosom; little did I dream that I should have lived to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honour, and of cavaliers. I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone. That of Sophisters, economists, and calculators, has succeeded; and the glory of Europe is extinguished for ever. Never, never more shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defence of nations, the nurse of manly sentiment and heroic enterprise is gone! It is gone, that sensibility of principle, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil by losing all its grossness."⁷

Burke sees with sorrow the fall of what had long flourished in splendour and in honour. He does not like to see anything destroyed; any void produced in society; any ruin on the face of the land.⁸

To this innate conservatism in Burke we must add a factor determined by his circumstances and, especially, his political connections. Early in his career, 1765, Edmund Burke became the private secretary and protégé of Lord Rockingham. The very next year he entered Parliament. This rapid elevation of the Irish parvenu would have been

impossible without the help of the great gentleman and the support of the Whig Party which comprised the big families of landed property and noble birth. Partly from interest, and partly from gratitude Burke was bound to favour the ruling class of England, and to defend their economic interest and their political power.

A conservative by inclination, a romanticist by nature, a lawyer by his training, and an ally of the governing class, Edmund Burke managed to give conservatism a theory; and became the founder of self-conscious political conservatism.⁹ To that theory we shall presently turn our attention and try to inquire into its foundation principles.

First among the foundation principles of Burke's conservatism, comes the religious basis of society. There is a mysterious divinity behind social usage and public order. The Great Disposer, the all wise but mysterious Governor of the World, created a religious animal and willed the state. He created diverse nationalities and has continued to supervise the course of each nation's development. Under Divine guidance, man had passed from a primitive existence into organized society which is a part of the moral order. "I know there is an order that keeps things fast in their place; it is made to us, and we are made to it."¹⁰ This fixed order of the world is governed by a universal law which 'is not subject to the will of those, who by an obligation above them, and infinitely superior, are bound to submit their will to that law'.¹¹ Burke assumed that "the awful author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactic, not according to our will, but according to His, He has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us."¹² The ordinary man is supposed to perform his duties, dictated by the nature of his situation. The statesman should keep national life in harmony with the natural order. And God in his heaven supervises the natural course of things.

The settled order of the world, the unalterable constitution of things should not be disturbed. Supreme necessity alone can justify a resort to anarchy. But this necessity itself is no exception to the rule; because it is 'a part of that moral and physical disposition of things, to which man must be obedient by consent of force; but if that which is only submission to necessity should be made the object of choice, the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled, from this world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow."¹³ To follow the settled moral order of the world, therefore, is more than man's duty; it is man's necessity and the condition

of his security, comfort, and happiness. For as long as God is the Great Disposer of things and the gracious Giver of all, all is right with the world as it exists, and all corporate institutions will grow as they should under his divine guidance.

The second principle of Burke's conservatism flows directly from the organic nature of the state. If society is an organism its laws of growth must be above and beyond the competence of individual wills to alter. In fact the social organism, with its laws of development, forms a part of the fixed order of the universe. Progress is slow in nature and the body politic must follow the natural method. To put it in Prof. Vaughan's words: "Once admit that the political life of man finds an exact analogy in the organism of the animal or the plant, and it cannot but follow that change is as slow a process in the one as in the others. Once admit that the state is a purely natural product, that it stands 'in a just correspondence and symmetry with the order of the world,' and the consequence is that not decades but centuries must be allowed for each stage of its development."¹⁴

It is perfectly true that this organic view of the state implies the necessity of continuous adaptation to environment and Burke was not blind to this necessity when he argued that if in Ireland, in America, in England, or in India circumstances materially changed, it was suicidal to retain unalterable the obsolete administrative system of an earlier day. On the other hand, he proclaimed the truth - with reference to the Revolution in France - that changes too rapid and too complete, changes that sweep the whole heritage and make a breach with the past, are mortal errors and fatal to the very existence of the social organism. Organic growth is a slow process indeed, but it is the safest mode of reforming. It might take up many years, and it ought. "It is one of the excellences of a method in which time is amongst the assistants, that its operation is slow, and in some cases almost imperceptible... Political arrangement, as it is a work for social ends, is to be only wrought by social means"¹⁵ - that is to say by the working of the natural laws of organic growth.

Burke's third principle of continuity is closely related to the organic nature of the state. For the conception of a nation as a living organism of complex structure suggests its historical continuity. A body politic, according to Burke, is the outcome of a long process of historical development. The constitution of his country is formed by the cooperation of ages and generations. He quoted Prynne to tell us:

'Tis not the hasty product of a day
But the well-râpened fruit of wise delay

It is made by the peculiar circumstances, occasions, tempers, dispositions and habitudes of the people, which disclose

themselves only in a long space of time. Having been made in that manner the 'vestment' accomodates itself perfectly to the body.

It is in his speech on the reform of the representation of the House of Commons that Burke expounded his Doctrine of Historical Continuity. "A nation," he declared, "is not an idea only of local extent and individual momentary aggregation, but it is an idea of continuity which extends in time as well as in number and in space. And this is a choice not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations."¹⁶ A few years later, in his Reflections on the French Revolution, he gave to the same idea of continuity a short but a direct and forceful expression: "... It becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born."¹⁷ To break the chain of continuity, to destroy the link that binds one generation to another, or to disturb the harmonious development of national life would be a crime of the first order. National history would lose its meanings as a process through which national character found expression, and men would become 'little better than the flies of a summer.'

Admittedly, Burke was not very careful in using his words to denote the body politic. He used 'nation', 'state', and 'society' interchangeably and did not employ the term nationality. The thing, however, is unmistakable and the concept of nation-state cannot be altogether foreign to his way of thinking. Prof. Carlton Hayes, in his book on the Historical Evolution of Modern Nationalism, goes on little further and claims that Edmund Burke stands with Herder as a pioneer in the exposition of the principle of nationality¹⁸ - a claim, I think, justified by Burke's view of the British Constitution as the expression of the genius of the English people and the product of their historical experience. "It is the genuine produce of the ancient, rustic, manly, homebred sense of this country, - I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys, the metal."¹⁹

This brings us to the fourth principle of Burke's conservatism, namely his belief in the wisdom of the established institutions, and his conviction that there is a presumption in favour of an established order. Burke is afraid to put men to live and trade each on his own private stock of reason, because he suspects that the stock in each man is small. The individuals would do better to avail themselves of the general bank and capital of the ages.²⁰ "The individual is foolish; the multitude blunders at every given moment; but the species is wise, and, when time is given to it, as a species it almost always acts right."²¹ The wisdom of ancestors, the inner spirit of

the nation, the genius of the race, and the 'permanent sense of mankind', all are embodied in existing laws, institutions, customs and traditions. Instead of regarding customs and traditions as the antithesis of reason, Burke preferred to see in them the gradual unfolding of a reason implicit in the consciousness of the race. They are not a heavy burden, but a precious heritage to be guarded with reverence and care. Every institution even every prejudice of long standing provides a deposit of experience. He writes to tell the French people, who were busy destroying the old institutions of the Ancien Régime, that many men of speculation in England, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them; and that when they find what they seek, 'they think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice, and to leave nothing but the naked reason.' "Prejudice," he goes on, "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...prejudice renders a man's virtue his habit; and not a series of unconnected acts. Through just prejudice his duty becomes a part of his nature."²²

The acceptance of custom and tradition, and prejudice gives rise to a sense of security and comfort which is a valuable stabilizing factor in society; and the adherence to the establishments of old is, perhaps, the most necessary principle for preserving the very life of the body politic. Thus the strong presumption in favour of existing institutions, carrying with it the idea of inheritance, furnished a sure principle of conservatism in Burke's political philosophy.

* * *

Having analysed what I thought to be the foundation principles of Burke's philosophic conservatism, I propose to conclude this chapter by the following remarks:

1. Burke's conservatism is not a mass of rigid rules and absolute laws, but a spirit, an attitude of mind, and a mode of looking at politics and life.

2. It is not the sordid and selfish conservatism of the petite-bourgeoisie or of the middle class, which, being prosperous and contented, is naturally inclined to be conservative in all matters that concern itself. His was a loftier and nobler conservatism that was concerned primarily with the preservation of the constitution, the Church, the crown, the landed aristocracy, the nation as a whole and the empire.

3. Though genuinely conservative, Burke was not a reactionary, obstinately opposed to even necessary reform. He might even be considered a reformer in respect to Ireland, India, America, and England of 1770, where he realised that circumstances constantly change, and that as they change old institutions become obsolete and need to be modified or removed. "When the reason of old establishments is gone," he says, "it is absurd to preserve nothing but the burden of them."²³ In respect to the France and the England of 1790-97, he was an anti-revolutionary, because he thought that Jacobinism menaced the national existence. His conservatism, briefly, is retentive as well as progressive, in the sense that it admits calculated, well meditated reform without unnecessary risk to precious institutions; and that it aims at the betterment of mankind upon a long established foundation. To him the great problem of politics was first to preserve the benefits which have been gained by the efforts of previous generations, and next, cautiously and slowly, so to improve existing institutions as to make some advance without losing any of the advantages already attained. A disposition to preserve, and an ability to improve, taken together, would be his standard of a statesman.²⁴

4. When all is said about Burke's recognition of the desirability and of the necessity of reform, and the 'liberalism' displayed in his American speeches and other works previous to the year of 1789, the fact remains that conservatism was the dominant tone of his mind. For the French Revolution did nothing more than accentuate a conservative tendency which was already there and which formed an essential feature in Burke's outlook.

CHAPTER VI

THE DOCTRINE OF TRUSTEESHIP

In civil society man divests himself of the right to be judge of his own cause. He abdicates all right to be his own governor. He abandons in a great measure the right of self-defence which is the first law of nature. To enjoy the rights of a civil state he has to give up the rights of determining what it is in points the most essential to him. That he may secure some liberty, he makes a surrender in trust of the whole of it."¹ By that surrender of their rights and of their liberties, the people forming a political organization, have left all political power in the hands of the state. And the state, in its turn, has undertaken the task of acting as a trustee for the people. Because all political ^{power} and all privilege ought to be exercised ultimately for their benefit.

This idea that powers of government are held in trust comes out again and again in Burke's writings. In the thoughts on the cause of the present discontents he reminds his countrymen that the King, the Lords, the judges, as well as the Commons, are all trustees for the people.² The House of Commons, however, had a peculiar character as trustee of the public purse,³ and of public interest in general. No member of Parliament has ever entertained a higher opinion of the great trust conferred upon him. "My little share in this great deliberation oppressed me," he told his colleagues in his speech on conciliation with America. "I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies."⁴

He urged that the American colonies, Ireland, India, and the rest of the empire were nothing short of a trust; and he asked his colleagues in the House and his countrymen outside parliament to elevate their minds to the greatness of that trust, to which the order of Providence has called them. "By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honorable conquests, not by destroying, but by promoting the wealth, the number, and the happiness of the human race."⁵

Not only political power but economic power too was viewed by Burke as being held in trust. The rich ought not to be killed, nor their capital plundered; 'because, in their persons they are trustees for those who labour, and their hoards are the banking houses of these latter'⁶. The tenure of property is to be considered as a performance of some duty; for the proprietors have to adopt a gravity of manners, to exhibit an exterior decorum, and to exercise a generous hospitality. But above all they should regard part of their income as a trust for charity.⁷

Other applications of the doctrine of trusteeship were made so that every power, every privilege, and every interest becomes in one sense or another something like a trust in the hands of those who are concerned. The original fabric of society, the constitution of a country, and the whole national heritage are a trust held by the temporary possessors for the succeeding generations. The commonwealth and the laws were consecrated lest the passing owners or the life-renters in it, unmindful of what they have received from their ancestors, or of what is due to their posterity, should act as if they were the entire masters.⁸ Moreover, the interest of the subdivision or the little platoon we belong to in society, is 'a trust in the hands of all those who compose it'; "and as none but bad men would justify it in abuse, none but traitors would barter it away for their own personal advantage."⁹

The thing that concerns us here, however, is the theory of trusteeship as applied to government or to political power as such. Burke did not invent the theory, he simply expounded it with lofty sentiments and eloquent expressions. For it was Whig in its origin, and it reflected the ideas of the glorious revolution by recognizing the constitutional monarchy and the existence of a governing class in parliament, in whose keeping were left the rights of the people and their liberties. In the second half of the eighteenth century the ideal of Rousseau and his doctrine of the sovereignty of the people with its necessary implications caught the imagination of men in two continents and threatened to spread to Great Britain itself. The idea that the people were to be the masters of the state and that they could rule as they pleased terrified Burke as being the end of good order and steady government, and forced him to take his stand on the conservative tradition of Whig Trusteeship.

The doctrine was not without its merits; it emphasized the fact that all the powers and all the privileges of government ought to be exercised for the interest of the governed, and that the ultimate aim of political organization is the happiness of the people. About this particular point Burke was very clear. He considered the wish of Henry the Fourth that he might live to see a fowl in the pot of every peasant in his kingdom, as a sentiment of homely benevolence excelling all the splendid sayings that are recorded of Kings. And he highly praised the

character of his friend and colleague Fox for introducing his East India Bill to check the cruelties of the Company and to secure the rice in his pot to every man in India.¹⁰

In the thoughts on the Cause of the present Discontents, where one finds the essence of the doctrine of trusteeship, Burke wrote; "The king is the representative of the people; so are the lords; so are the judges. They all are trustees for the people, as well as the Commons; because no power is given for the sake of the holder; and although government certainly is an institution of divine authority, yet if forms, and the persons who administer it, all originate from the people."¹¹

A government for the people was, undoubtedly, Burke's most sincere desire, but further than this he was not prepared to go. He would object very strongly against the principle of government by the people for the simple reason that he had no faith in the political wisdom of the masses, nor in their ability to become the arbiters of their own destinies. The very interest of the people requires that political power should be placed in trust, in the hands of a ruling class, composed of natural aristocracy. Such a class is best endowed to carry forward the great national traditions of statesmanship and of benevolent, enlightened government. It is their duty as well as their privilege to decide what was best for the nation. In making his position clear on this issue, he addressed the members of the House of Commons with the following words; "Faithful watchmen we ought to be over the rights and the privileges of the people. But our duty, if we are qualified for it as we ought, is to give them information, and not to receive it from them; we are not to go to school to them to learn the principles of law and government. In doing so, we should not dutifully serve, but we should basely and scandalously betray, the people, who are not capable of this service by nature, nor in any instance called to it by constitution."¹²

Burke had very earnest wishes to keep the authority of parliament as perfect as possible, mainly for the sake of those on whose account all just authority exists: I mean the people to be governed.¹³ But, one might object, what is to guarantee that the power of parliament or the governing class would be exercised in a manner conducive to the public good? Granting him that power is a trust, is it not of the very essence of every trust to be rendered accountable? And if that is admitted, to whom should the possessors of power account for their public conduct?

Noblesse oblige - would answer you Burke. As a believer in aristocracy and as an admirer of the Roman principles of public life, he considered private honour to be the great foundation of public trust; "that he who, in the common intercourse of life, shewed he regarded somebody besides

himself, when he came to act in a public situation, might probably consult some other interest than his own."¹⁴ To this sense of honour, which is one of the brilliant virtues of an aristocratic ruling class, must be added a sense of religious obligation or a conviction that the trustee is responsible to God - "All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust; and that they are accountable for their conduct in that trust to the one great Master, Author and Founder of society."¹⁵ Acting under the influence and the inspiration of the true great ideas of private honour and of religious responsibility, the ruling class would tend to use power rightly, even if the abuse of trust is not covered by positive law.

* * *

The idea that the rights and the privileges derived from political power are in the strictest sense a trust to be exercised ultimately for the benefit of the people, is a truism to-day. Nevertheless, this fact forms no mean tribute to the healthy role that the Burkian theory of trusteeship played in the second half of the eighteenth century and the first third of the nineteenth.

In the first place; this magnificent doctrine, magnificently urged, had not totally failed to impress the British nation with a sense of obligation towards the 'inferior' races of the British Empire. With all the fervour of his deeply religious nature, Burke proclaimed that his countrymen had an aristocratic mission in the world; that they should, accordingly, give 'knightly succor' to people in distress, that they were to act as protectors, of small nations in Europe and as trustees of 'backward' communities inside the Commonwealth. His noble exertions on behalf of Ireland and America, and his impeachment of Warren Hastings in the interest of India, taught that the doctrine of trusteeship could lend imperialism a humanitarian character, and thus render it tolerable and, to a certain extent, justifiable. Rev. Robert Murray thinks that it was Burke's doctrine that set the British Empire on the right path when it stood at the cross-roads in the days of Hastings. "Chatham," he said, "was the creator of the British empire: Burke was its saviour."¹⁶ And Prof. Laski gives him the title of the true founder of the third British empire; "for he legislated for posterity when he defended the American colonies from taxation and the Indian empire from tyranny."¹⁷

In the second place, the doctrine of Whig trusteeship, raised by Burke from an oligarchical tradition to a set of political principles capable of inspiring the Whig Party

with a sense of responsibility and with a high standard of statesmanship, served as a stepping stone to the democratic ideal of government for the people and by the people. The theory which, in the Walpole and Bolingbroke era, had become firmly rooted in British political thought, assumed, in the hands of Burke an orientation nearer to the following age and in direct line with the general tendency of political development towards the more modern conception of government.

CHAPTER VII

THE MIXED CONSTITUTION

The eighteenth century, as far as English theory is concerned, was a century of methods and means rather than of ends and principles. The constitutional system had been established by the Revolution of 1688, and the basis of representative government was outlined by Locke. Thus the fundamental questions of political life seemed to be settled and the theorists of the age turned their attention to the questions of technique and tried to secure the administrative detail for the constitutional outlines traced by a preceding age.¹ Burke was not an exception to this generalization, and his writings on the theory of the English constitution were in some sort a comment upon the system already established. His was not an attempt to create a new constitution for such an attempt would be against his principles. A theoretical constitution is not a natural order of things; the constitution of a country should grow and develop gradually like one of the oak trees in England. He did not even try to make a systematic study of the constitution. His sole concern was to discern the fundamental principles upon which the British constitution was based, and then to expound those principles and make public their excellence, their inherent worth. No pretence to discovery was made. The elevated mind admitted frankly that his theory was not to furnish principles for making a new constitution, but for illustrating the principles of a constitution already made. "It is a theory drawn from the fact of our government. They who oppose it are bound to show, that his theory militates with that fact. Otherwise, their quarrel is not with his book, but with the constitution of their country."² Thus did Burke defend his theory, appealing to the authority of the constitution itself.

The first thing that impressed Burke was the complexity of the British Constitution. He accepted it as a fact, a necessary fact, and argued that the machine of a free constitution is as intricate and as delicate, as it is valuable. Every free constitution must be complicated and complexity becomes a political virtue. No simple, unbalanced form of government can be good. Absolute democracy is not a sound constitution of a republic, it is rather the sign of corruption and degeneracy. It is the most shameless thing in the world. It has the inevitable tendency to party tyranny, and the majority of the citizens in an absolute democracy is capable of exercising the most cruel persecution upon the minority. Absolute monarchy, on the other hand, is similarly bad. At times, Burke was ready to recognize the abuses of the French Monarchy and to admit that 'these abuses accumulated in a length of time, as they must accumulate in every monarchy not under the constant inspection of a popular representative.'³

Absolute monarchy, simple aristocracy, perfect democracy; all are vicious, bad by themselves. The composition alone is good. "Democracy possesses much good when compounded with other forms."⁴ So is monarchy and so is aristocracy. The fundamental reason for this is the fact that human nature is intricate, and that the objects of society are of the greatest possible complexity. "If you were to contemplate society in but one point of view all these simple modes of policy are infinitely captivating. In effect each would answer its single end much more perfectly than the more complex is able to attain all its complex purposes. But it is better that the whole should be imperfectly and anomalously answered, than that, while some parts are provided for with great exactness, others might be totally neglected, or perhaps materially injured, by the over-care of a favourite member."⁵

Another reason why simple governments are fundamentally defective is the tendency under absolute systems to carry one principle as far as it would go in theory. The principle of freedom would result in anarchy and the opposite principle of authority would lead to tyranny. The only wise course is to avoid the perfections of extreme by allowing the several parts of a mixed constitution to answer their own several ends, and by providing for each to limit and control the others. The operation of any one principle must be checked and stopped at a certain point. The constitution, therefore, is conceived as a balance of powers. Its movement is not in a straight line, for no one part can proceed beyond its boundary. It takes, rather, the form of treaty and compromise, and secure, in that way, the great end of mixed government, namely, regulated liberty or the rule of law. For liberty does depend upon the harmonious working of a complicated system of checks and balances.

The best example of such a structure was, of course, the British Constitution. It consists, as every free constitution ought to consist, of three members, of three very different natures. Each of those members ought to be preserved in its proper place, and with its proper proportion of power. Although the three several parts stand on several principles peculiarly belonging to them, yet they are brought, by the grace of God and the genius of the Anglo-Saxon race, into one harmonious body. The Crown, the Lords, and the Commons, representing as they are the three principles of Monarchy, Aristocracy, and Democracy; could accommodate themselves admirably to each other, to their separate purposes, and to their common end. But the balance between these discordant parts of the mixed constitution is extremely delicate: "Our constitution," wrote Burke, "stands on a nice equipoise, with steep precipices and deep waters upon all sides of it... in removing it from a dangerous leaning towards one side, there may be a risk of oversetting it on the other."⁶ Every project, therefore, of a material change in the government is a matter full of difficulties; in which 'a considerate man will not be too ready to decide, a prudent man too ready to undertake, or an honest man too ready to promise.'⁷

The Monarchy, however, is the essential basis of the constitution, the 'keystone that binds together the noble and well constructed arch of our empire'⁸. It was with reference to that principle of the British constitution that Burke paid an open tribute to Bolingbroke where he had observed that a monarchy is preferable to other governments because one can better ingraft any republican description on a monarchy, than anything monarchical upon the republican forms.⁹ In his appeal to the Old Whigs, Burke developed this Bolingbrokeian idea to state that everything republican which can be introduced safely into a constitution, must be built upon a real monarchy; that all aristocratic and democratic institutions must originate from their crown, and must refer to it in all their proceedings; "that by the energy of that mainspring alone those republican parts must be set in action, and from thence must derive their whole legal effect..."¹⁰ The Crown is the only point where the republican members can possibly meet and happily unite.

Burke had a great respect for the ancient Monarchy, and felt that it was the duty of a member of parliament to preserve religiously the true legal rights of the sovereign, for the King was the high representative of national dignity. But this conception of the sacred character of the monarch was supported by other arguments to justify the exalted place that the royal member must occupy in a mixed constitution. Monarchy is a thing perfectly susceptible of reform and susceptible of a balance of power. And when reformed and balanced it becomes reconcilable to liberty and may render the constitution a stable security to the perpetual enjoyment of that liberty. The British monarchy is directed

by laws; it is controlled and checked by two great bodies: The House of Lords which represents the wealth and hereditary dignity of the nation, and the House of Commons which embodies the reason and the feeling of the people in general. These two permanent and suitable organs are formed, in a great measure, upon the principle of Jealousy of the Crown. The British Constitution 'must keep alive some part of the fire of jealousy eternally and chastely burning or it cannot be the British Constitution.'"

The House of Lords which is the second important member of the British constitution, stands for the principle of aristocracy. "I am accused," wrote Burke, "I am told abroad of being a man of aristocratic principles. If by aristocracy they mean the Peers, I have no vulgar admiration, nor any vulgar antipathy towards 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 good when kept within their proper bounds."¹² Their function is to limit the power of the Crown, on the one hand, and to check the popular excesses of the House of Commons on the other. By the very nature of its constitution, the House of Lords, tends, on the whole, to exert a healthy stabilizing influence.

In speaking of parliament, however, Burke had his eye chiefly on the lower house - the democratic member of the British constitution. The House of Commons is not supposed to be a part of the standing government of the country. It is to be considered rather a control over the executive, performing in the higher part of government, what juries perform in the lower. "A vigilant and jealous eye over executory and judicial magistracy; an anxious care of public money, an openness, approaching towards facility, to public complaint."¹³ These seemed, to Burke, to be the ~~two~~ characteristics of a house of commons, representing the popular side of the constitution. 'Popular' is used here in a Burkian sense - It does not imply that the Commoners are to be elected by universal suffrage. "The frame of our commonwealth," wrote Burke in dealing with the question of popular election of magistrates, "did not admit of such an actual election; but it provides as well, and (while the spirit of the constitution is preserved) better for all the effects of it than by the method of suffrage in any democratic state." Neither does it mean that they should receive instructions from the voters in their constituency. Any mandate theory would be repugnant to Burke, who was the first to formulate the English theory of representation. In the speech to the Electors of Bristol after the poll on November 3, 1774, he expounded his famous doctrine of the nature of a representative.

"Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved

communication with his constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitting attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."¹⁴

If a member of parliament is not popularly elected, and is not supposed to recognize authoritative instructions or mandates issued by his constituents, how could Burke claim that the House of Commons represented the democratic principle in the popular constitution? The lower house is democratic and popular, he would say, in that it is designed as a control for the people; that it is in a position to observe the first signs of changes in the economic and social life of the country, and to legislate according to the needs of the times and the general sense of the people. For the House of Commons should be made to bear some stamp of the actual disposition of the people at large; refusing, for instance, to support a government in which the country has no confidence, and raising to power persons acceptable to the majority of the nation. Thus all the good effects of popular election would be secured without having to suffer the mischiefs attending the democratic process. Burke would never allow the house to be infected with every 'epidemical phrenzy' of the people. But he would advise the house to have some sympathy with the constituents and to keep itself in close touch with public opinion.

The house of Commons, secondly, is popular in the sense that the opinion of the country is one of the most important means of power and eminence, and that members of parliament or those aspiring to membership have to cultivate the high qualities which procure that opinion. Thus ambition is directed and elevated by popular motives, and public men are submitted to the judgment of the people.¹⁵

Being the most popular part of the constitution, and consequently the most powerful, the lower house tends to become the most corruptible. Burke was fully aware of the fact that since the Revolution of 1688 the power of the nation has flowed into the House of Commons; and the attitude of the majority in the House towards the Middlesex Election revealed the danger of abusing such a great power. On the motion made in the House of Commons to bring in a bill to ascertain the rights of electors in respect to the eligibility of persons to serve in parliament, Burke delivered a significant speech defending the right of the people to

choose their own representative, and denying the power of the House to expel a duly elected member. The House, he told his colleagues, should not have expelled Mr. Wilkes. "The question," he went on, "amounts to this, whether you mean to be a legal tribunal, or an arbitrary and despotic assembly...the substance of the question is, to put bounds to your own power by the rules and principles of law. This is, I am sensible, a difficult thing to the corrupt, grasping, and ambitious part of human nature. But the very difficulty argues and enforces the necessity of it."16

A balanced constitution is a critical thing indeed, and the theory of such a mixed system could have hardly escaped the accusation of inconsistency. Burke's way of approaching political problems, moreover, added to the original weakness inherent in the theory itself; for he never tried to make a systematic study or to produce a formal treatise on the subject. At times he appeared to be the champion of popular rights and the most vehement critic of the 'double cabinet', the king's interference in government. At others he exalted the Crown and did his best to check the advance of popular demands. How could a man be consistent in defending various parts of a mixed constitution? Let Burke himself repudiate the charge or let him transcend his inconsistency: "As any one of the great members of this constitution happens to be endangered, he that is a friend to all of them chooses and presses the topics necessary for the support of the part attacked, with all the strength, the earnestness, the vehemence, with all the power of stating, of argument, and of colouring, which he happens to possess... He ought not to apprehend, that his raising fences about popular privileges this day, will infer that he ought, on the next, to concur with those who would pull down the throne; because, on the next, he defends the throne, it ought not to be supposed that he has abandoned the rights of the people."17 The truth of the matter is this: The policy of a mixed constitution results inevitably in a perpetual treaty and a series of compromises between its various parts. And it is of the very essence of a compromise to discover a happy, workable medium between two different positions or two discordant elements. In other words, admit the dialectical nature of the constitutional process, and the question of inconsistency would lose its meaning.

* * *

Burke's theory of the mixed constitution involved a conception of parliamentary government which assumed two essential principles that are closely related: first, the independence of the ministry from the court, second, the leadership of the cabinet in parliament. The King is entrusted with the choice of his ministers; he elects

them to office, but the real control is in the hands of the House of Commons, through a parliamentary refusal to support the ministry.

Parliamentary government, on the other hand, does not require, in Burke's view, the popularizing of the House of Commons. Universal suffrage, he condemned, and those who enjoyed political rights were bound to exercise their voting power within the framework of the aristocratic society: the people were free to choose their masters from a definite class. The balance of the constitution, therefore, is not between the monarch, the aristocrats, and the people, but between different interests within the one ruling class. For the British constitution is a comity ^{of powers} which have an original authority. "Our constitution," wrote Burke, "is a prescriptive constitution; it is a constitution whose sole authority is, that it has existed time out of mind...your king, your lords, your juries, grand and little, are all prescriptive." Those prescriptive interests and the other interests which are being gradually formed in the kingdom, must be let into a share of representation. The great officials, the great professionals, the great military and naval officers, all the people of the first weight, and ability and wealth ought to be introduced into the constitution. Otherwise, they would be disposed to attempt the destruction of the institutions from which they were excluded. For that reason 'it were better that they should have a corrupt interest in the forms of the constitution than they should have none at all.'¹⁸

Thus we see that Burke, in his sober moments as well as in his most enthusiastic pronouncements on the popular side of the constitution and the happy balance to be effected among the monarchical, aristocratic, and democratic principles, had nobody in mind aside from the great peers, the leading gentlemen and the opulent merchants and manufacturers who formed 'the natural strength of the kingdom.'¹⁹ The lower middle class, the workers, the peasants, the average man-in-the-street were not taken seriously as to form an active part of the body politic. They could exercise a certain pressure; an indirect influence. But they are not allowed to enter, themselves, the sanctuary of politics. The political game must remain the exclusive privilege of the governing class of England. It will be noted that the aristocratic character of this theory reflected faithfully the temper of the eighteenth century, in English politics, which was itself dominantly aristocratic.

Writing with a glowing imagination and in a spirit of awe and reverence towards the constitution of his country, Burke was not alive to the defects of the system, and his theory, consequently, was not saved from certain points of weakness. But he had some right, to say the least, to be contented when the English system of government was compared with the governments of Europe. His strongest argument, his best defence of the British constitution rested

not on theoretical grounds; it was of a more practical nature. Things are to be judged by their fruits and among the fruits of the British Constitution, Burke could count liberty, security and order. He could say with just pride: "Our constitution is like our island, which uses and restrains its subject sea; in vain the waves roar. In that constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence, which constitutes, and is the only thing which does constitute, the proud and comfortable sentiment of freedom in the human breast."20

BOOK II

THE POLITICAL THOUGHT

OF

THOMAS JEFFERSON

CHAPTER I

AMERICAN POLITICAL THOUGHT IN
THE EIGHTEENTH CENTURY

A certain German scientist engaged in writing a book on Snakes in Ireland opened his first chapter with the words, "strictly speaking, there are no snakes in Ireland". And one may begin a discussion of the American Political Theories in the Eighteenth Century with similar words, "strictly speaking there were no Political Theories." It is a fact that the Political thinkers of that period had not developed systems of politics after the fashion of the German Philosophers. The systematizing of Political Thought is not an American Art. Americans have generally tended to develop their political ideas in connection with some great question of national policy. The Revolution of the colonies, the problem of slavery, and the question of secession and similar issues have stimulated political thought and resulted in many books, pamphlets and orations; but have totally failed to produce works that may have any claim to originality or to a complete form of logical construction. Moreover, Political Ideas in America have not been worked out by Political Scientists or Philosophers, but by ordinary Politicians and statesmen who wrote to justify their public behaviour or to propagate their principles of political action.

With these reservations in mind we may proceed to consider the factors that contributed most to the formation of American Political Thought in the Eighteenth Century which constituted the mental environment of Thomas Jefferson and determined, to a large extent, his political views.

First among these factors are the ideas of the colonists who laid the foundations of the American Republic. I do not propose to make here a study of puritanism, for it was primarily a religious movement; but I do suggest that, incidentally, the religious doctrine of the early colonists influenced their politics a great deal. Having rejected the authority of the church and ecclesiastical law and precedent, the Puritans relied upon the scriptures as a guide for all conduct, and considered the Bible as the only proper foundation upon which either a state or a church could rest. They attempted to deduce from the Old and New Testaments their whole system of government rested upon a scriptural basis, so must their Political Theory and their state have the same foundation. We find this idea clearly stated by John Eliot in his work on the Christian Commonwealth, when he said that "there is undoubtedly a form of Civil Government, instituted by God himself in the holy scriptures, whereby ^{and} Nation may enjoy all the ends and effects of Government in the best manner, were they but persuaded to make trial of it. We should derogate from the sufficiency and perfection of the scriptures, if we should deny it." 1

theology - their form → church
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CHAPTER I

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THE EIGHTEENTH CENTURY

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in theology - their form

The particular part of the Bible upon which the Colonists relied for this purpose was the Old Testament which was a rich mine of precedent, full of the experiences of the Children of Israel. They frequently referred to the contracts of Old Testament days. They quoted such verses ; 'Jehoiada made a covenant between the Lord and the King and the people; that they should be the Lord's people; between the King also and the people' (II Kings XI :17). "Ye stand this day all of you before the Lord your God...that thou shouldst enter into covenant with the Lord thy God... that he may establish thee today for a people unto himself and that he may be into thee a God" (Deuteronomy XXIX) . Following these and many other similar precedents, the New Englanders constructed their churches on the contract theory . Ecclesiastical organizations were formed by voluntary agreement between a number of individuals to constitute themselves as a church. And the idea of adopting the covenant as the proper method of forming a church was given an official recognition as early as 1648, in the Cambridge Paltform, when reference was made to the "visible Covenant, Agreement or Consent, whereby they give themselves unto the Lord, to the observing of the ordinances of Christ together in the same society, which is usually called the Church Covenant" 2.

In the same year, the famous ^{Thomas} Hooker of Connecticut published A Survey of the Summe of Church Discipline in which the contract idea was stated in a definite and responsible way. Hooker, anticipating such classic writers as John Locke, urges that all men are ecclesiastically equal, and where every man remains uncontrolled there must follow the distraction and desolation of the whole . "In the buildings, if the parts be neither mortised nor brased, as there will be little beauty, so there can be no strength. It is so in setting up the frames of societies among men, when their minds and hearts are not mortised by mutual consent of subjection one to another, there is no expectation of any successful proceeding with the advantage to the public".3 . He mentions two classes of covenant, the explicit and the implicit, and seems to prefer explicit agreement. The parties to the contract, Hooker goes on to say, still retain "The Power of Judgment . over each other" and hence they proceed against any officer "that goes aside". This they do, "though not by any power for they are not officers, but by power of judgment which they do possess" 4.

Applied in the first instance to ecclesiastical relations, the same idea of contract was carried over into political relations. The church covenant and the plantation covenant went hand in hand. Prof. Merriam tells us that the use of the contract as a basis for the establishment of a 'body Politic' was a widespread practice in the New England colonies. In the famous Mayflower covenant of 1620 it was declared that the undersigned, "Do by these Presents solemnly

And the fact influences the thinking. The frontiersman sees no value in legal subtleties, which grow up so easily in urban communities. He is by nature a pragmatist, looking always at results. To him you look in vain for that consistency of method that submission to logic, that adherence to precedent, which make up so large a part of the mental equipment of dwellers in settled communities" 8.

Puritanism and the highly favorable environment however, could not have produced the same results had it not been for a third factor, probably the most important of all. The puritans inherited from English ancestors and brought with them to the new continent a remarkable political capacity, the English common law, English political precedent and tradition of centuries of public life and political experience. The English heritage was the basis of their system and their theory.

The American Patriots were guided by historical precedents established by England in the seventeenth century. Prof. Merriam reminds us that the rejection of two kings within half a century was sufficient warrant for the refusal to obey George III. 9. The colonists, he goes on to say, were not striking out upon a new and wholly untried path, but were following in the way broken by their ancestors of a few generations before.

In the domain of pure political speculation, the Patriots were also familiar with the philosophy of their English predecessors. They followed it closely, referred to the writers, quoted from them, and adopted the substance of their argument, and sometimes, the form as well. Their highest authority in government was John Locke. "Almost every writer", writes Prof. Merriam, "seems to have been influenced by him, many quoted his words, and the argument of others shows the unmistakable imprint of his philosophy. The first great speech of Otis was wholly based upon Locke's ideas; Samuel Adams, on the Rights of the Colonists, as Men and as British subjects, followed the same model. Many of the phrases of the Declaration of Independence may be found in Locke's Treatise; there is hardly any important writer of this time who does not openly refer to Locke, or tacitly follow the lead he had taken ..." 10.

Thus the new theology, nature, and inheritance combined to form the American theory of politics which found in Jefferson its characteristic expression. His plebeian father represented the finest type of the American Pioneer and his aristocratic mother could trace her descent through a long line of nobles, warriors, and statesmen to the royal Earl of Murray, half brother of the ill-fated Mary, Queen of the Scots". From the father, Thomas Jefferson inherited the robust democratic faith of the frontier, and from the mother an idealism, a capacity for intellectual pursuits, and a natural disposition to appreciate English manners and English

ideas . A course of study which he drew up for Madison, Monroe, and other young friends who were preparing for college and the Virginian Bar, shows unmistakably his preference. The list of books recommended include Locke on Government, Sidney's Discourses on Government, Priestley's First Principles of Government, Montesquieu, Hatsell's Precedents of the House of Commons, select Parliamentary Debates of England and Ireland, the Federalist, Say's Economic Politique, Malthus on Population, and de Tracy's Political Economy.¹² When President, on June 11, 1809, Jefferson wrote to a correspondent : " I think there does not exist a good elementary work on the organisation of society into civil government; I mean a work which presents in a full and comprehensive view the system or principles on which such an organisation should be founded according to the rights of nature".¹³ For want of a single work of that character he recommended Locke, Sydney, Priestley, and the Federalist . To which he added Beccaria on Crime, Smith's Wealth of Nations, and Say's Political Economy . These recommendations, with the collection of books that formed his private library at Monticello, leave us with little doubt as to the thinkers who had the decisive influence on Jefferson .

Exploring what had remained of that collection after the fire of December 1851 which consumed two thirds of Jefferson's books, Prof. Hirst, in his book on the Life and Letters of Thomas Jefferson, makes certain interesting remarks and reveals important facts that lead to the same conclusion. Under Politics and the Law of Nations many items are missing. Adam Smith's Wealth of Nations has disappeared, and the whole of Locke's works . But Harrington's Oceana, Sydney's Discourses and Sir Robert Filmer's Patriarcha are still there with several marked *Passages* .
one is of particular interest . On page 2 of the Patriarcha Filmer observes that since School Divinity began to flourish a common opinion has been maintained which affirms that "mankind is naturally endowed and born with freedom from all subjection, and at liberty to choose what form of government it pleases; and that Power which any one Man hath over others was at first bestowed according to the discretion of the Multitude".¹⁴ On page 4 Jefferson has made the words "Natural Equality and Freedom of Mankind, and Liberty to choose what form of Government it please", and again the following sentence : " Yet all of them, when they come to the argument drawn from the natural Liberty and Equality of Mankind, do with one consent admit it for a truth unquestionable, not so much as one denying it ; whereas, if they did but confute this first erroneous Principle, the whole Fabrich of this vast engine of popular sedition would drop down of itself".

In Sydney's Discourses on Government some of the passages marked by Jefferson are worth citing :

Section V. For, as liberty solely consists in an independency upon the will of another, and by the name of slave we understand a man, who can neither dispose of his person nor

goods, but enjoys all at the will of his master, there is no such thing in nature as a slave, if those men or nations are not slaves who have no other title to what they enjoy than the grace of the prince, which he may revoke whenever he pleases.

Section VII ; Just governments are established for the good of the governed .

Section XXXI . Nations, being naturally free, may meet, when and where they please; may dispose of the sovereignty, and may direct or limit the exercise of it; unless by their own act they have deprived themselves of that right; and there could never have been a lawful assembly of any people in the world, if they had not that power in themselves.

Section XXXIII . If any man ask how nations come to have the Power of doing these things, I answer that liberty being only an exemption from the dominion of another the question ought not to be how a nation can come to be free but how a man comes to have a dominion over it ; for till the right of dominion be proved and justified, liberty subsists as arising from the nature and being of a man ... , Man therefore must be naturally free, unless he be created by another power than we have yet heard of. 15.

These passages, undoubtedly, were among the fountains from which Jefferson drew inspiration when he began to think about politics .

The influence of French Political Thought upon Jefferson seems to have been comparatively small . Gilbert Chinard who had launched on an ambitious undertaking with the purpose of determining the contribution of the French thinkers to the political philosophy of Thomas Jefferson, came to the conclusion, after ten years of research, that during the formative years the direct influence of the French Philosophers was almost negligible. A survey of the Jefferson papers in the library of Congress and the Massachusetts Historical Society convinced him that Jefferson's principles were distinctly the principles that had directed his Saxon forefathers in their "settlement" of England, and that his most effective teachers were the historians of the English law in whose works he studied the principles, development and degeneration of free institutions. It is a fact that he knew Montesquieu's *Esprit des Lois* and Voltaire's *Essai sur les moeurs*, "but", writes prof. Chinard, he used both books as repertoires of facts, rather than as founts of ideas" 16.

In any case, the features admired in Montesquieu by the colonists, and to a certain extent by Jefferson himself, were after all, derived from his study of the English constitution and the English political system. This was eminently true of his doctrine of seperation of powers which^{re} thought he had found in the English constitution . The case of Rousseau's

alleged influence, however, is different. Jefferson's stay in France during the eventful years preceding the outbreak of the French Revolution, gave rise to the notion that his political philosophy was framed under French intellectual influence, and that he became a disciple of Rousseau, the philosopher of the first phase of that Revolution. It was mainly after the excesses of the French Revolution that Jefferson's political enemies put forward the idea as ^{an} accusation. Extremists called him a Jacobin, a Participant in Gallic atheism, licentiousness and anarchy. And scholars accepted the ideas as evidence of close intellectual relations between American social theory and the French enlightenment. Recent research, however, dismisses the notion as unfounded. "Every one of Jefferson's characteristic political ideas", writes John Dewey in a preface to a volume presenting the living thoughts of the great American democrat, "was definitely formulated by him before he went to France. Rousseau is not even mentioned by him" 17. Dewey finds the only possible exception to the first part of his statement in Jefferson's emphasis upon the moral inability of one generation to bind a succeeding generation by imposing either a debt or an unalterable constitution upon it.

Prof. Hirst rightly considers that the several passages marked in Filmer by Jefferson's pen help to dispose of the "fanciful and erroneous theory that Jefferson was a disciple of Rousseau and borrowed from him the doctrine of natural rights". 18 The Patriarcha had been written in 1680, that is before Rousseau was born.

"There is no need to introduce Rousseau and the French philosophers of the eighteenth century to explain Jefferson's language", writes David Muzzey in the same vein. "The natural rights of man was a doctrine as old as the Roman law and 'government by consent of the governed' was the principle for which the republicans of the seventeenth century had fought their battle of fourscore years against the Stuart Kings. It is doubtful whether Jefferson had read a word of Rousseau's Contrat Social in 1776, but for a decade he had been a profound student of Coke, Milton, of Harrington and Locke. The influence of John Locke's two treatises on Government, published at the time of the English Revolution of 1688, is traceable even to words and phrases in the Declaration". 19.

Moreover, the fundamental ideas of the French philosopher were very similar to those of Locke; namely, the idea of an original state of nature, in which all men are born politically free and equal, the contractual origin of government, the sovereignty of the people, and the right of revolution against a government regarded as oppressive. There is no reason whatsoever to make us think that Jefferson or the American Patriots derived such ideas from the Contrat Social to the neglect of Locke's works. Rousseau did not write his classic work until 1762, and even after that date but unfrequent reference to his theory was made whereas all historical evidence proves beyond any doubt that the Patriots, and particularly Jefferson, were

most familiar with Locke and frequently quoted him. Add to this the fact that long "before Locke had written the Civil Government and Rousseau the Social Contract the emigrants of Plymouth had founded a real republic under that rude climate where liberty alone was able to live". 20.

We may safely conclude that, in the main, American political theory in general, and Jefferson's political doctrines in particular, are in direct line with English political precedent and philosophy. On the other hand, the new features in American Political Systems of government and in Jeffersonian democracy must be considered as the product of American soil .

CHAPTER II

THE SOCIAL COMPACT.

Thomas Jefferson, 'the American democrat par excellence', the author of the Declaration of Independence, and the central figure in the early development of American democracy, bequeathed to posterity no systematic presentation of his political principles. His ideas on government are thrown here and there in pamphlets, addresses and letters. Perhaps his letters, written to such persons as Madison, John Adams, Lafayette, Dupont de Nemours, Taylor, Kercheval, Johnston and others, are the most valuable source we have of Jefferson's ideas. For he was a great correspondent and almost all topics of political theory appear in that extensive correspondence . The attempt to reconstruct the theory of Jefferson from these scattered sources, though not impossible, is^a very difficult task indeed. At its best, such a reconstructed theory must suffer from the lack of system and from the imperfections as to the minute details . All we propose to do is to state the important Jeffersonian doctrines in general outline .

The key to the whole system of government evolved by Jefferson, is his theory on the origin or the formation of Political society. He accepted the assumptions of the leading theorists of the seventeenth and eighteenth centuries that men lived originally in a prepolitical state of nature and that by voluntary agreement they deliberately created a political association. In the state of nature every individual was a sovereign in his own natural right . His will was his law, but his power being in many cases inadequate to his right, it occurred to him that his condition would be much improved, if a way could be devised to exchange with other individuals, that quantity of danger into so much

protection, so that each individual should possess the strength of the whole number ' 1. Thus, starting from the hypothesis of Hobbes and Locke that in a state of nature men are free agents and have natural rights, Jefferson attributes to the insufficiency and the uncertainty of the unwritten law of nature and to the surrounding dangers , the urge to form some sort of a society and the motive which induced men to quit the natural state . It will be noticed that Jefferson's conception of the state of nature is very much like that of Locke. In that primitive stage, Jefferson thought, men were naturally sociable and peaceable. The state of nature was one of equality and freedom. It was not lawless, since men were bound by the law of nature and were endowed with natural rights. But, since each man was judge and executioner in his own case, natural law was not adequately interpreted and justly enforced. This led primitive men to establish, by common consent, a common authority. Up to this point, there seems to be nothing new in the hypothesis . But what follows is more original .

In forming a social contract men do not abdicate all their sovereignty as in Rousseau's version of the Contract Theory . They do not even abdicate a certain portion of all their rights as in the version of Locke. On the contrary, they entirely reserve a certain category of rights, all those they can exercise fully without the aid of society; and they partly give up, in exchange for more security, the second category of rights - namely those which cannot be safely enjoyed unless society provides adequate protection .

Jefferson established this distinction between natural and civil rights in a letter he wrote to a friend after having attended all the meetings of Congress in which the Articles of Confederation were discussed. There he witnessed the actual formation of a new state and the signing of a social compact; for it will be remembered that the independence of the United States had been proclaimed before the Articles of Confederation which really constituted the United States, had been adopted or even discussed . The only official bond that united the colonies was allegiance to the Crown . That bond once severed, each of them became a separate unit and returned to a sort of "state of nature". It was the most fascinating situation that could be devised for a student of government. The formation of a political association by a social compact became a reality in the Congress creating the Confederation .

e After that inspiring experience, Jefferson tried to collect his ideas and formulate a theory of contract in which he explained the distinction between the two classes of rights mentioned above. "Of the first kind are the rights of thinking, speaking, forming and giving opinions, and perhaps all those rights which can be fully exercised by the individual without the aid of exterior assistance- or in other words, rights of personal competency.

Of the second kind are those of personal protection of acquiring and possessing property, in the exercise of which the individual natural power is less than the natural right. Having drawn this line they agree to retain individually the first Class of Rights or those of personal competency; and to detach from their personal possession the second Class, or those of defective power and to accept in lieu a right to the whole power produced by a condensation of all the parts. These I conceive to be civil rights or rights of Compact, and are distinguishable from Natural rights, because in the one we act wholly in our own person, in the other we agree not to do so, but act under the guarantee of society".²

It therefore follows that the more of those imperfect nature rights, or rights of imperfect power men give up and thus exchange the more securely they possess. But it does not follow that the more natural rights of every kind they resign the more securely they possess, - 'because if we resign those of the first class we may suffer much by the exchange, for where the right and the power are equal with each other in the individual naturally they ought to rest there'.

Such a philosophy of natural rights and the contractual basis of government implies that in a society both the individual and the state are sovereign in their respective domains. Hence the necessity of a Bill of Rights setting forth those natural individual rights which cannot be abridged or alienated. Such a Bill is an essential foundation on which to build a constitution. The same is true of an association of states; In forming a society of states, as well as in forming a society of men, there are rights 'which it is useless to surrender to the government and which governments have yet always been found to invade'. Jefferson thought that the theory of the American Federal Constitution was wise and good because 'the states are independent as to everything within themselves and united as to everything respecting foreign nations'. He resisted any attempt on the part of the general government to assume all the state powers into its hands. The individual sovereignty of the states must be retained at all costs. And when, in 1798, the encroachments of the Federal Government became too obvious, Jefferson advanced to defy it and to erect a strong barrier against its expanding activity. A plan was adopted to arouse the state legislatures, and Jefferson with his friends in the Virginia Assembly and the legislature of Kentucky drew up the famous "Resolutions" which reaffirmed Jefferson's theory that in forming a society neither men nor states abdicate entirely their sovereignty; that the powers not delegated to the United States by the constitution, nor prohibited by it to the states are reserved to the states respectively or to the people. Such is clearly the meaning of the first Resolution:

1. Resolved. That the several states composing the United States of America are not united on the principle of unlimited

submission to their general Government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general Government for special purposes delegated to that Government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that whensoever the general Government assumes undelegated powers, its acts are unauthoritative, void, and of no force ...

Society being founded upon a legal compact, the principles of that compact must be sacredly preserved in the life of the people, and governments must continue to derive their just powers from the consent of the governed. Hobbes' idea of a contract made once and for all would serve the cause of tyranny but cannot provide a reasonable basis for government. Even tacit consent presumed from the fact of residence would not satisfy Jefferson. The social contract should be constantly applied, explicitly and with full consciousness. To insure that end Jefferson proposed two ways: first, the periodical amendment; second, rebellion or revolution where the government is tyrannically inclined.

The society, says Jefferson can make a perpetual constitution, or even a perpetual law. A generation may bind itself as long as its majority continues in life; but it cannot bind another generation. The contract is binding only upon the original parties who make it and not upon their successors, who have never given adherence to it. When the majority of a given generation has disappeared, another majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. The dead have no rights: "They are nothing and nothing cannot own something. Where there is no substance, there can be no accident" 3. The earth belongs to the living.

Having established the proposition that no generation of men can pass any law binding for a period longer than the lifetime of that generation due to the fact that their law-making power ceases with their existence, and having laid the fundamental principle that a constitution must be revised at stated intervals, Jefferson proceeded to determine the exact period for which a law might be considered as an expression of the will of the community. By using European tables of mortality, he found that, of the adults living at any one moment of time in any given society, a majority will be dead in about nineteen years. "At the end of that period, then, a new majority is come into place; or, in other words, a new generation. Each generation is an independent of the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness;

renewal of the agreement which amounts
to constitutional

consequently to accommodate to the circumstances in which it finds itself, that received from its predecessors; and it is for the peace and good of mankind, that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the Constitution; so that it may be handed on, with periodical repairs, from generation to generation, to the end of time, if anything human can so long endure".4. The revision of the organic law of the land or the reconsidering of the constitution every nineteen years, constitutes a renewal of the fundamental agreement, both real and effective. And where periodical renewals of the agreement, through regular and legal channels, are not provided for in the constitution, or, in case they are provided for, have lost their theoretical value by their being rendered practically impossible, then the principle of the social contract may find a more violent expression in a revolution which, though acting through irregular and illegal channels, insures the same great end.

Jefferson's theory of Revolution follows directly from his conception of the social compact. Society being founded upon a legal contract, according to which the duty of government is to secure the inalienable rights of the individual the ideal form of government would be that in which both parties scrupulously live up to its terms. If the government however, fails to perform its duties or if it becomes destructive of the very ends for which it had been instituted among men, then the people can exercise their right to alter or to abolish that government, and to institute a new government that shall seem most likely to insure their safety and happiness. But to rebel against an oppressive government is not simply a right; it is also a duty and a righteous act. When he wrote the Declaration of Independence, Jefferson expressed that conviction in the following terms: "...When a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them (the people) under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security".5.

And on his seal ring, Thomas Jefferson engraved this motto: "Rebellion to tyrants is obedience to God".6.

Revolution, Jefferson did not regard with fear or with great horror. "If the happiness of the mass of the people can be secured at the expense of a little tempest now and then, or even of a little blood", he wrote to Doctor Stiles the President of Yale College, "it will be a precious purchase"7. And when in the winter of 1786-1787, Daniel Shays led against the Government of Massachusetts a revolt of farmers who refused to pay taxes, Jefferson rejoiced and saw in Shay's insurrection a proof that the people had

'liberty enough'. In principle, he holds that a little rebellion now and then is a good thing.⁸ It prevents the degeneracy of government, and nourishes a general attention to public affairs. He even went further and argued that, in addition to its being a desirable thing in itself, a rebellion is as necessary in the political world as storms in the physical. It is wholesome though bitter; and it clears the air just like a thunderstorm. "God forbid we should ever be twenty years without such a rebellion", wrote Jefferson with reference to the rebellion in Massachusetts, "The People cannot be all, and always, well informed. The part which is wrong will be discontented, in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions, it is a lethargy, the forerunner of death to the public liberty. We have had thirteen states independent for eleven years. There has been one rebellion that comes to one rebellion in a century and a half for each state. What country before ever existed a century and half without a rebellion? And what country can preserve its liberties, if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants. It is its natural manure" ⁹.

If Rebellion serves to keep ^{up} the public spirit and if it is a medicine necessary to the sound health of government, its use, then, must not be denied. On the contrary, frequent recurrence to fundamental principles should be encouraged. For that, Jefferson proposed three things:

First, there should be no standing army in a free country. A standing army is an instrument extremely dangerous to the rights of the nation. It places the people at the mercy of their governments and makes it practically impossible for them to resist or to rebel with a reasonable chance of success.

Second, a free system of government should make every citizen a soldier in a home-militia. "The Greeks and Romans" argued Jefferson, "had no standing armies, yet they defended themselves. The Greeks by their laws, and the Romans by the spirit of their people, took care to put into the hands of their rulers no such engine of oppression as a standing army. This made them invincible, and the same remedy will make us so". ¹⁰.

Third, a Republic should not be too severe in treating a rebellion, lest the free spirit of the people be suppressed. Jefferson rightly observed that unsuccessful rebellions generally establish encroachments on the rights of the people that have produced them. This truth, thought Jefferson

"should render honest republican governors so mild in their punishment of rebellions as not to discourage them too much"11.

It will be said that this theory of Revolution lays a ferment for frequent troubles, a perpetual foundation of disorder. And Jefferson anticipated such criticism by suggesting that men are, by natural disposition, very reluctant to take desperate resolutions. History shows that they are strangely Patient and that they take the great decision on the rare occasions when illegal action has become a necessity. The matter is determined by the courage and the common sense of the people. It is significant that, in the Declaration of Independence, at the end of the paragraph establishing the right of the people to abolish a bad government, Jefferson added the following words: "Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed..."12.

Thus, by renewing the contract at stated periods, or, if this were impossible, by rebelling against the government, the consent of the governed might be made the constant basis of legitimate authority. It is perfectly clear that Jefferson's conception of the social compact is not the conception of a philosopher exclusively interested in logical validity. It is rather the conception of a jurist and a lawyer insisting that the agreement should have historical reality as well. In conclusion, I venture to quote Prof. Gilbert Chinard-

"The Social Compact is not a metaphysical hypothesis, nebulous and lost in the night of ages, it is a very specific and very precise convention to be entered into or to be denounced by men who retain their rights inherent and unalienable, who remain free and yet agree to submit themselves to certain rules and a certain discipline in order to obtain more security. And thus was evolved and defined by Jefferson a combination of liberty and order, individualism and discipline which lies at the basis of American civilization, an object of wonder to most foreigners, often discussed but never satisfactorily elucidated as in the document written by Jefferson when, "wanting amusement", he sat down to explain to himself his ideas of natural and civil rights and the distinction between them".13.

CHAPTER III

REPUBLICAN GOVERNMENT

"... Governments are republican only in proportion as they embody the will of their people, and execute it." - Thomas Jefferson.

Having considered, in the previous chapter, Jefferson's Theory as to the basis of the state, it is proper now to examine his position as to the various classes of societies and the different forms of government. In a letter to James Madison, dated January 30, 1787, Jefferson classified societies into three groups:

- 1) Those destitute of government; as among the Indians of America.
- 2) Those that live under governments, wherein the will of everyone has a just influence; as is the case in The American States.
- 3) Those whose governments rest on force, as is the case in the majority of states!.

The first condition might be the best, but Jefferson believed it to be inconsistent with any great degree of population. The third condition is a government of wolves over sheep. The second state alone is worthy of man. It has its evils, of course, but the great deal of good in it outweighs the evil. Under popular governments the mass of mankind enjoys a reasonable degree of liberty and happiness, without endangering peace and order.

Monarchy, the government of a single individual, Jefferson identified with the third type of society, and regarded it with utter abhorrence. He tried to refute the principle of hereditary monarchy by appealing to theory, experience and biology. In the first place, kings are human beings, and no man is to be trusted for life, and without liability to account. "Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him?"²

In the second place, long experience has pronounced condemnation against the 'gross absurdities' of hereditary magistracies. "If experience be called for", Jefferson wrote to Samuel Kerchewal, "appeal to that of our fifteen or twenty governments for forty years, and show me where the people have done half the mischief in these forty years, that a single despot would have in a single year; or show half the riots and rebellions, the crimes and the punishments, which have taken place in any single nation, under kingly govt., during the same period."³ Moreover, history shows that "no race of kings has ever presented above one man of common sense in twenty generations".⁴ And in contemporary Europe Jefferson found no crowned head "whose talents or merit would entitle him to be elected a vestryman by the people of any Parish in America".⁵ To his personal knowledge, Louis XVI was a fool;

and in the same category were included the kings of Spain, Naples, Sardinia, and Denmark, and the Queen of Portugal; while the successor of Frederick the Great he characterized as a mere hog.⁶

In the third place, no hereditary monarchy can continue to be efficient; its power is bound to decay in the course of a few generations. Referring to the practice of kings marrying only in the royal families, Jefferson wrote: "Now, take any race of animals, confine them in idleness and inaction, whether in a stable, a stable or a state-room, pamper them with high diet, gratify all their sexual appetites, immerse them in sensualities, nourish their passions, let everything bend before them, and banish whatever might lead them to think, and in a few generations they become all body and no mind ... Such is the regimen in raising kings, and in this way they have gone on for centuries."⁷

For these reasons, and as a result of his deep conviction that monarchy was irrelevant to a free system of government, Jefferson strongly resisted the attempts of the Federalists to monarchize the features of the Federal Constitution and led the Republican Party in a successful opposition.

As to aristocracy, the government of the Few, Jefferson's position was not essentially different. The principle of a hereditary ruling class contradicts the 'self-evident' truth that all men are created equal. Accordingly an artificial aristocracy based on wealth and birth should not receive legal recognition. On the other hand, a natural aristocracy is best selected, for the purpose of government, by the whole body of citizens. That aristocracy does not coincide with a given class. It must be drawn from the different classes of society, for talents are widely distributed among the people, and wisdom and virtue are not hereditary. Moreover, an oligarchy is liable to corruption and could comfortably be managed upon the principle of one man; one bribe. Whereas, in a democracy, one cannot bribe all the people all the time, for political power is universally distributed there.

The complicated organizations of kings, nobles and priests, Jefferson dismissed, as systems incapable of effecting the happiness of associated man. The best and the wisest form of government is that which allows every citizen to have an equal voice in the direction of public affairs - It is the Republican form, based upon the fundamental republican principle that all power is inherent in the people. Although Jefferson never attempted to describe the ideal state, he drafted a bill for new modelling the form of government in his native state of Virginia, that might be considered the nearest approach to such an attempt. The 'Proposed Constitution for Virginia' was his Model. It differs from the ideal republics of political philosophers in that it was a definite, possible constitution - the creation of a practical reformer. Here are its main features:

The Legislative, Executive and Judiciary offices are to be kept forever separate, and exclusive in the exercise of their separate powers.

The legislature would consist of a House of Representatives, annually chosen, and a House of Senators. Any elector is qualified to be elected to the House of Representatives. All male citizens of full age and sane mind who had paid taxes for five years, or owned 25 acres of land in the country or one-fourth of an acre in a town, are qualified to vote. The Representative House is to consist of not less than 150 or more than 300 members. Four hundred electors are entitled to elect a member, and the proportion is to be adjusted from time to time on the principle of one vote one value.

The Senate is to consist of not less than 15 or more than 50 members. It is elected by the House of Representatives. One-third of the Senators retire every three years. Money bills are reserved to the House of Representatives; otherwise the legislative powers of the two houses are equal, and the assent of both is necessary to the passing of a law.

An Administrator, exercising the executive powers, is to be appointed annually by the House of Representatives. He is to have no power to veto bills, or to dissolve the General Assembly, to declare wars, to pardon crimes, or to confer dignities.

A Privy Council is elected annually by the House of Representatives to advise the Administrator.

Judges are chosen by the Administrator, subject to the negative of the Privy Council. All facts in causes are to be tried by jury after evidence given in open court.⁸

One may note in passing that, on the one hand, Jefferson holds the theory of the Separation of Powers strongly and applies it in distributing the different offices of government; on the other hand he seems to confer all important powers on an assembly freely elected by the whole population of adult male taxpayers in equal electoral districts.

This particular form of republican government is not very important in itself. All depends upon the essential principles that move the governmental machine and shape its administration. We should, therefore, advance to consider what Jefferson deemed the essential principles of republican government.

The principles which should obtain within a free republic include the following propositions:

1. Equal and exact justice to all men, of whatever state or persuasion, religious or political.
2. A jealous care of the right of election by the people -- a mild and safe corrective of abuses which are lopped by the sword of revolution, where peaceable remedies are unprovided.
3. Absolute acquiescence in the decision of the Majority, the vital principles of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism.
4. The supremacy of the civil over the military authority; military power being a well disciplined militia.
5. The diffusion of information and the arraignment of all abuses at the bar of public reason.
6. Freedom of religion, freedom of the press, and freedom of person under the protection of the habeas corpus; and trial by juries impartially selected.
7. Economy in public expense, that labor may be lightly burdened.⁹

These principles form the creed of Jefferson's political faith. They are the sum of good government, or, to put it differently, they would all be found in operation under a truly republican government. But the mother principle, the true foundation of republican government is the will of the people. Jefferson defines a republic as "government by the citizens in mass, acting directly and personally, according to rules established by the majority".¹⁰ Realizing, that in large republics direct action by the whole body of citizens is not always possible, he modified the above quoted definition in the following manner: "...Let it be agreed that a government is republican in proportion as every member composing it has equal voice in the direction of its concerns; not indeed in person, which would be impracticable beyond the limits of a city, or small township, but, by representatives chosen by himself, and responsible to him at short periods, and let us bring to the test of this canon every branch of our constitution." ¹¹

To render such a system of government productive of good and happy results, it is absolutely necessary that it should be supplemented by an educational program and a scheme of local government. For republicanism is not to be found in a constitution or in a set of abstract principles of government; it is to be found merely in the spirit of the people. That would oblige even a despot to govern the republican spirited people 'republicanly'. "Owing to this spirit", wrote Jefferson to Samuel Kercheval with reference to the American People, "and to nothing in the form of our constitution, all things have gone well."¹² Education and local government, in so far as they inculcate the principles of democracy in the mind of the citizens, and in so far as they keep the fire of freedom alive in their breast, are the "two hooks" upon which republican government depends. By examining these hooks separately, we hope to bring further evidence as to Jefferson's notion of democracy, a term that he identified with the republican government.

Starting from the proposition that the people themselves are the only safe depositories of power, Jefferson's common sense led him to realize that to render them truly safe, and, in order to ensure liberty, justice and peace and good government, their minds must be improved; they must be educated and adequately informed. A self-governing democracy must be an educated democracy; and 'if a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be'.¹³ This warning against the evils of an ^{un}educated populace ran through all his writings. Jefferson was not simply advancing a theory of popular education, he was rather preaching a crusade against ignorance. He drafted bills for the general diffusion of knowledge, he suggested plans to be adopted by the states, and actually brought into being the University of Virginia.

To diffuse knowledge through the mass of the people, he proposed to divide every county into small districts of five or six miles square, called hundreds, and ~~x~~ in each of them to establish a school for teaching reading, writing and arithmetic. The tutor is to be supported by the hundred as a whole, and every citizen in it would be entitled to send his children three years gratis, and as much longer as he pleases, paying for it. These schools are to be under a visitor who is annually to choose the boy of best genius in the school, of those whose parents are too poor to give them further education, and to send him forward to one of the grammar schools where Greek, Latin, geography, and the higher branches of numerical arithmetic are taught. The best geniuses will be instructed, at the public expense, so far as

the grammar school goes. At the end of six years instruction, the students chosen for the superiority of their parts and disposition are to be sent to a college to continue three years in the study of such sciences as they shall choose.¹⁴

The objects of primary education, Jefferson compressed in the following lines:

1. To give to every citizen the information he needs to transact his own business.
2. To enable him to calculate for himself and to express and preserve his ideas, contracts and accounts in writing.
3. To improve, by reading, his faculties and morals.
4. To understand his duties to his neighbors and his country, and to discharge with competence the functions confined to him by either.
5. To know his rights; to exercise with order and justice those he retains, to choose with discretion the judiciary of those he delegates, and to notice their conduct with diligence, candor and judgment.
6. And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed.¹⁵

In a general way, we may say that the whole scheme of education would give ultimately two main results. The first consists in rendering the people the safe guardians of their own liberty and the intelligent citizens of their republic. For that purpose Jefferson advised that, in the first stage, the reading should be chiefly historical. The memories of the children may be stored with the most useful facts from Grecian, Roman, European and American history. "History", wrote Jefferson in the preamble to the revisers' bill of 1779, "by appraising them of the past, will enable them to judge of the future, it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume, and, knowing it, to defeat its views." ¹⁶

The second main result of Jefferson's educational program would be the discovery of talents which lie buried in poverty and their bringing them into action for the benefit of the community. The persons endowed by nature with genius and virtue, would be rendered by liberal education "worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens."¹⁷ Jefferson urged that the children thus disposed, should, therefore, be sought for and educated at the common expense of all. Otherwise the happiness of all would be confined to the weak or wicked who happen to be wealthy or of noble birth. In other words, his realization of the necessity of popular intelligence and developed talents as the basis for successful popular government, led him to advocate, and in Congress to declare, that education should be placed among the articles of public care.¹⁸ As far back as 1806 he recommended a national establishment for education, a national university to be supplementary to his scheme of public schools. If his ideas found no favour in the early days of the American republic, they indicate, all the same, that education seemed to Jefferson the sublimest mission of the Republic.

Early education for the mass of the people, however, would not be enough. The public must be constantly informed about their affairs. For, if government rests upon public opinion, then it becomes absolutely necessary that the people should be kept right; and the only way to do so is to enlighten them and give them full information through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the nation. "Were it left to me to decide," Jefferson once said, "whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers, and be capable of reading them." 19

The second 'hook' upon which republican government depends (education carrying information in its train, being the first) is local government. Jefferson was convinced that the way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to. He, therefore, advised his fellow citizens to marshal their government into four gradations:

- 1) The general federal republic, for all concerns foreign and federal.
- 2) That of the state, for the administration of what concerns the state generally.
- 3) The county republics, for the duties and the local concerns of the country.
- 4) The ward republics, for the small and numerous concerns of the neighbourhood. 20

Divide the counties into wards - was Jefferson's battle cry. "Divide the counties into wards of such size as that every citizen can attend, when called on, and act in person." 21 Wards, in the system of local government which he recommended for Virginia, were to take charge of the elementary schools, to care for the poor and the roads, and to have a system of justices, constables, and police. It is not an exaggeration to say that a Jeffersonian ward would be a small republic, complete within itself, where every man would become an active citizen, transacting in person all the rights and duties within the limits of his own competence. The excellences of such a system are manifold:

First: it provides the individual with the necessary conditions for the exercise of his right of self-government. Here, Jefferson assumes that every man possesses the right of self-government, a right which he receives with his being from the hand of nature.

Second: it avoids the dangers of bureaucracy and the curses of too much centralization, and surrounds authority with the complicated mechanisms of control to secure the liberty of all. Jefferson believed that the generalizing and concentrating all cares and powers into one body has been responsible for the destruction of liberty and the rights of man in every government which had ever existed under the sun, no matter whether of the autocrats of Russia or France, or of the aristocrats of a Venetian Senate. The secret of freedom, he urged, will be found to be in the making of the individual "the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical." 22

The elementary republics of the wards, the county republics, the state republics, and the republic of the Union, would form a 'gradation of authorities', holding every one its delegated portion of authority, and constituting a real system of fundamental checks and balances for the government. It would be almost impossible for authority, under the proposed system, to abuse its power or to encroach upon the rights of the individual.

Third: public business will be done for the best by dividing and subdividing powers and duties among the different governments, starting with the great national one down through all its subordinations, until it ends in the administration of everyman's farm by himself. All matters, great and small, will receive due attention from those who will feel most directly the consequences of their measures, and can be, therefore, managed almost to perfection.

Finally: it creates a sense of responsibility, born of a definite share in the exercise of power applied to the offices nearest and most important to the individual member of a community. It makes the citizen interested in the support of law and order. It attaches him by the strongest feelings to the independence of his country and its democratic constitution. "Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the state who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte." 23 A free citizen, at the call of the laws, would fly to the standard of the country and would meet invasions of the public order as his own personal concern. This is precisely what makes a free republic the strongest government on earth.

As we come to the end of the review of what may be considered, with extreme indulgence, Jefferson's ideal republic, it is proper to ask: What would be the general policy of the said republic as to its internal and external affairs? Here, once again, we have to infer the answer from the very construction of the republic, for the policy of a given state flows, necessarily, from its basic principles and from the nature of its institutions; and we may infer it, as well, from a more explicit source - a letter sent to Elbridge Gerry in which Jefferson made a profession of his political faith. This letter, or document, has been considered by some American scholars 24 as the Program of the Democratic Party and the first complete definition of American republicanism. The American republic as conceived by Jefferson, I may add, was not far from the ideal. He once said that the government of his country was "The World's best hope." And towards the end of his administration he observed that "the spirit of our citizens rising with a strength and majesty which show the loveliness of freedom, will make this government in practice, what it is in principle, a model for the protection of man in a state of freedom and order." 25 By reproducing his program for American government, therefore, we hope to find further revelations as to the policy of the ideal republic, in particular, and as to the principles of the Jeffersonian doctrine, in general.

"I do then, with sincere zeal, with an inviolable preservation of our present federal constitution, according to the true sense in which it was adopted by the states ... and I am opposed to the monarchising of its features by the forms of its administration, with a view to conciliate a first transition to a President and Senate for life, and from that to an hereditary tenure of these offices...

I am for preserving to the states the powers not yielded by them to the Union, and to the legislature of the Union its constitutional share in the division of powers; and I am not for transferring all the powers of the States to the General Government, and all those of that Government to the executive branch.

I am for a government rigorously frugal and simple, applying all the possible savings of the public revenue to the discharge of the national debt; and not for a multiplication of officers and salaries merely to make partisans...

I am for relying, for internal defence, on our militia solely, till actual invasion, and for such a naval force only as may protect our coasts and harbors ...; and not for a standing army in time of peace, which may overawe the public sentiment; nor for a navy, which by its own expenses and the external wars in which it will implicate us, will grind us with public burdens, and sink us under them.

I am for free commerce with all nations; political connections with none; and little or no diplomatic establishment...

I am for freedom of religion, and against all manoeuvres to bring about a legal ascendancy of one sect over another; for freedom of the press, and against all violations of the constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents. And I am for encouraging the progress of science in all its branches; and not for raising a hue and cry against the sacred name of philosophy..." 26

CHAPTER IV

JEFFERSON'S ECONOMIC IDEAS

Jefferson held that republican government was best because, among few other things, it prevented governmental restraint on the free acquisition of wealth, and the free use of one's own property. "The true foundation of republican government," he once wrote, "is the equal right of every citizen, in his person and property, and in their management."¹ And there is enough reason to maintain that his famous phrase in the Declaration of Independence relative to the pursuit of happiness, meant primarily the pursuit of industry. The second paragraph of the said declaration begins with the following words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness".² In other utterances we see the Third right 'pursuit of happiness', replaced by 'property'. We may cite here one of them: "To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, and property and all those enjoying them with us; thus absurdly sacrificing the end to the means."³

It is clear, then, that Jefferson used the terms 'pursuit of happiness' and 'property' interchangeably; and counted, foremost among the common sense truths, the fact that the institution of private property had its basis in human nature. The following explicit statement will dispel the last shade of doubt concerning this point - "I believe that morality, compassion, generosity, are innate elements of the human constitution; that there exists a right independent of force; that a right to property is founded in our natural wants, in the means with which we are endowed to satisfy these wants, and the right to what we acquire by those means without violating the similar rights of other sensible beings..."⁴

To acquire wealth or to own property is a right founded in natural wants, but it is not itself a natural right. The individual cannot exercise his right of ownership, safely and freely, without the protection ~~and~~ provided by society. Therefore, private property was the result of the social contract, and should not, strictly speaking, be counted among the perfect natural rights of man, anterior to the formation of the state. "It is agreed by those who have seriously considered the subject," wrote Jefferson to refute the claim that inventors have a natural and exclusive right to their inventions, "that no individual has, of natural right, a separate property in an acre of land, for instance. By universal law, indeed, whatever, whether fixed or movable, belongs to all men equally and in common, is the property for the moment of him who occupies it; but when he relinquishes the occupation, the property goes with it. Stable ownership is the gift of social law, and is given late in the progress of society."⁵

This fact, however, does not lessen the value of the institution of private property, nor question its fundamental necessity. In a way it renders the right to property more secure, for it makes it the duty of government to protect the individual citizen in his pursuit and defends his wealth against any possible encroachment. The government must see to it that all men have an equal opportunity to acquire a comfortable livelihood. On the other hand, government should be limited, lest those in power, animated like all men, by self-interest, deprive the industrious of the fruits of their labor. In the absence of privileges granted by government, wealth would be acquired by industry rather than by law. With government limited, opportunity available to all, and the habits of thought of the despotic past, surely though slowly disintegrated by education, mankind's progress, material and intellectual, would be illimitable.

Republican government, thought Jefferson, should destroy state institutions which interfere with the equal opportunity to acquire wealth. Thus the feudal remnants of official church, and entail and primogeniture should be eliminated. The former created a priestly aristocracy, blinding the people to their own pecuniary interest; the latter created an aristocracy of wealth, obedient to despotism. In his native state of Virginia, Jefferson proposed to annul the privilege of the landed aristocracy to transmit their property, undivided, from generation to generation. (The law of primogeniture devised the entire property to the eldest son, leaving his mother and sisters dependent on his bounty and condemning the younger brothers to be pensioners or adventurers.) And many years after the passing of the bill through the Virginia House of Burgesses, he gave a full account of the law and of his motives. With respect to inheritance he says: "I proposed to abolish the law of primogeniture and to make real estate descendible in part to the next of kin, as personal property is, by the statute of distribution. Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed, that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers and wants with his brothers and sisters, he should be on a par also in the portion of the patrimony; and such was the decision of the other members." 6

Moreover, Jefferson believed that republican government would endure only as long as opportunities and resources for the acquisition of property were available to an ever increasing population. The consequences of these premises were the expansion of empire and the correlative development of the money economy. A process that can be seen in Jefferson's own career. Upon entering the presidency in 1801, he prosecuted vigorously a daring policy of providing additional lands and opportunities for the security of republican government. He informed the government agents among the Indians that their objectives should be the acquisition of lands, peace and encouragement of agriculture. He authorized the famous Lewis and Clark expedition to acquire territories and business opportunities. He purchased all Louisiana from Napoleon and called on Congress to supply the funds. The Constitution, he argued, did not provide for holding foreign territory or incorporating a foreign nation into the Union, but Congress must overlook metaphysical subtleties, and expect the assent of the people to what the people themselves would do, if they could. 7

War for additional territory Jefferson justified in order to obtain 'reparation for the past and security for the future'. In a war with Spain, the regular army would seize Mexico, with its rich

mines, privateers would prosper by plundering the commerce and coasts of the Spanish possessions, and Cuba, valuable for sugar, would enter the Union. Canada would be the fruit of a war with England. By acquiring Canada and Cuba the United States would have natural protection without the need of a navy, and further expansion of the country would be unnecessary. "We should have such an empire for liberty as she has never surveyed since creation." 8

Once the government has created the material conditions necessary for providing its citizens with equal opportunities to acquire wealth, its work is done. The individual citizen must be protected in the unrestrained exercise of his talents. For enterprise thrives best when left free to individual initiative, and government should protect the enterprises only from casual embarrassments. "Private enterprise", wrote Jefferson "manages much better (than the government) all the concerns to which it is equal. Agriculture, manufactures, commerce and navigation, the four pillars of our prosperity, are the most thriving when left free to individual enterprise." 9

Along with free enterprise and laissez faire in internal economic life, Jefferson defended the principle of free trade with foreign nations. His early academic and legal training impressed upon him the commercial principles which bring wealth into a country. Consequently, he opposed parliamentary restrictions on the trade and industry of the colonies and defended trade with the enemy. In a letter to Patrick Henry, Jefferson held, in accordance with mercantile doctrines, that the sale of Virginia's tobacco and foodstuffs to the enemy be permitted, because it brought money into the country. The increased circulation created prosperity and made possible the payment of heavy taxes. 10

Free enterprise, however, must not be left without supervision and absolutely out of control. Few restrictions and in certain cases, some control would be indispensable for the security and happiness of society as a whole. The laws of property, for instance, had been so developed in Europe that they violated natural rights. Jefferson was perfectly aware of the difference in land distribution between his country and other European countries. In contrast to the Confederation with its "lovely equality which the poor enjoy with the rich" were the pomp, wealth and privileges of the aristocracy, and the poverty of the mass in Europe. 11 In France the feudal restrictions and perquisites created great and unnatural inequality of wealth. Since the land was concentrated in few hands and much of it retained for game preserves, the largest class was the starving unemployed. Private property was necessary for efficient production, but if those excluded from the cultivation of land were not provided for, they reacquired the fundamental right to labor the earth. The ideal situation in America of small proprietors could be established in France by equal division of the estates among the heirs, aided at first by a progressive tax above the exempt minimum. 12

It is implied here that Jefferson would allow the state to interfere in order to prevent the concentration of immense masses of property, and in order to remedy the other extreme in the opposite direction, namely, absolute poverty.

Again, the state might interfere to reestablish the equilibrium between the different occupations. In principle, those nations are essentially right, which leave to individual choice the distribution of the citizens among the occupations called for.

This is a better guide to an advantageous distribution than any other which could be devised. "But when, by a blind concourse, particular occupations are ruinously overcharged, and others left in want of hands, the national authorities can do much towards restoring the equilibrium." 13 Accordingly, when Jefferson felt that an overcharge has been produced in the class of competitors for learned occupation in his country, he advised that the same artificial means which have been used to produce a competition in learning, should be set at work to restore agriculture to its primary dignity in the eyes of men. 14

This leads us to the consideration of Jefferson's views on agriculture and the agrarian basis of a healthy society. Jefferson was convinced that a happy state of affairs, under a government formed on the principles of natural reason, could continue only as long as the country remained agricultural, and the land was available to everyone. His was the planter's logic, taking wealth to mean landed possessions. "Jefferson was a physiocrat," writes Prof. Muzzey; "if he had any French tutor it was not the eccentric Rousseau with his virtuous savage, but the practical Turgot, who sought to build the state on the broad foundations of local liberties, resting on the ultimate base of the nation's wealth - the soil." 15 This agrarian basis of society, Jefferson considered sound on both economic and political grounds. Let us take first the purely economic.

Agriculture is the wisest pursuit, because it will in the end contribute most to real wealth. The hand of husbandry would add most to the national income. For, to the labour of the husbandman a vast addition is made by the spontaneous energies of the earth on which it is employed: "for one grain of wheat committed to the earth, she renders twenty, thirty and even fifty fold, whereas to the labour of the manufacturer nothing is added. Pounds of flax in his hands yield, on the contrary, but penny weights of lace." 16

Agriculture, in the second place, is the asylum and bulwark of the principles of free government. And cultivators of the earth are the most valuable citizens. They are the most virtuous - "Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive the sacred fire, which otherwise might escape from the face of the earth." 17 They are incorruptible because they were not dependent on the caprice of customers. The agricultural people, moreover, are the most vigorous, the most independent, and they are tied to their country and 'wedded to its liberty and interests' by the most lasting bonds. The people would remain virtuous only as long as the principal object was agriculture, and lands were available, for the moderate, sure income of husbandry beget permanent improvement and orderly conduct in private and public life.

In 1812, when his country came into conflict with England, Jefferson predicted the victory of the United States. America would win the war, he assured James Madison, because of its republican government and the superior material condition of its people, which was both a cause and effect of its ideal government. In England the government was controlled by the aristocracy and wealth; consequently the middle or artisan class was forced to the maximum of strain and the meanest subsistence in the desperate competitive struggle to sell its products. The largest class was the "starved and rickety paupers and dwarfs of English workshops."

In the United States, on the other hand, land was available to everyone; fortune and fame were open to talent and enterprise. The demand for labor was so great that moderate work brought sufficient income to rear a large family at a high standard of living and to save for old age. Prolific marriages and equal division of estates prevented the growth of large fortunes and created relative equality.

Since in the United States the laboring class generally possessed property and cultivated the land, the people could be trusted with freedom and the control of government. The wealthy had nothing to fear, since enough of their class got into every branch of government to protect their interests. In Europe the people could not be given these powers, for they were the cannaille, the product of workshops, and would pervert government to the destruction of everything public and private. 18

The most desirable prosperity, we may repeat, was that based on agriculture, because:

- 1) To the efforts of labor it adds the efforts of a greater proportion of soil.
- 2) It gives rise to a class of society distinguished by its sound character and its healthy attitude towards government and life.

As long as his fellow citizens could find employment in that line, he would not allow them to be converted into mariners, artisans, or anything else. But if the numbers of American citizens, and of course their productions, become too great for the demand, and consequently the surplus of hands has to be turned to something else, then he would wish to turn them to the sea in preference to manufactures; "because, comparing the characters of the two classes, I find the former the most valuable citizens." 19 The class of artificers and manufacturers Jefferson considered as the panders of vice, and the instruments by which the liberties of a country are generally overturned. They depend for their subsistence on the caprice of customers; and dependence begets subservience and vanality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. Manufacture and industry gather necessarily large masses of workers near the factories. Their population would mass in the cities and the people would become corrupt and eat one another. There is nothing more dangerous to a free republic than the irresponsible mobs of great cities. "They add so much to the support of pure government as sores do to the strength of the human body." 20 If it is the manners and spirit of a people which preserve a republic in vigour, then industry is not the right nursery for the desired type of citizens.

Merchants and commerce were also not altogether desirable. Merchants were weak in virtue and amor patriae. Commerce, beyond that needed to export the surplus produce, fostered a gambling spirit in society. "The wealth acquired by speculation and plunder is fugacious in its nature and fills society with the spirit of gambling." 21 Realizing, however, that agricultural production would exceed both the foreign and domestic demand; Jefferson admitted the necessity of having the surplus population enter navigation and commerce. Furthermore, since a good proportion of the people of the United States were by habit and taste addicted to these occupations, a faithful representative must follow not what was sound in theory but what was practicable and protect these interests. 22

Similarly, his theory concerning manufactures went through important modifications. His early strictures on manufactures belonged to the domain of pure theory and abstract speculation. The agricultural state was the ideal state. Manufactures, by creating dependence, were responsible for mobs, corruption, servility and ambition. Generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good barometer whereby to measure its degree of corruption.²³ Jefferson, consequently, never wished to see American citizens 'occupied at a workbench, or twirling a distaff'. Carpenters, masons, smiths and other artisans were wanting in husbandry; but for the general operation of manufacture, American workshops must remain in Europe. It is better to carry materials to workmen ~~xxxx~~ there, than to bring European workers to the United States, and with them their manners and principles. The loss by the transportation of materials, ~~of~~ provisions and commodities across the Atlantic will be made up in happiness and permanence of free government. ²⁴

European economists such as Adam Smith, said Jefferson, taught that every state should endeavour to manufacture for itself; but they overlooked the fact that the same immutable principles of political economy gave different results in America because circumstances were different. Europe, having no available lands, must turn, of necessity, not of choice, to manufactures to employ the surplus labor. Whereas America has an immensity of land courting the industry of the husbandman. Therefore, let American citizens be employed in the improvement of agriculture, and let the workshop remain in Europe, and the agricultural surplus be exchanged for manufactures.

This position, however, was slowly modified by the changing circumstances. In the midst of the war with England the philosopher who never overlooked realities, wrote to J.B. Say that changed circumstances forced him to agree that the manufacturer should be planted by the side of the agriculturist. He regretted the change from a peaceful and agricultural state to a military and manufacturing one, but preservation came before anything else. To Benjamin Austin he said: "We must now place the manufacturer by the side of the agriculturist. The former question is suppressed, or rather assumes a new form. Shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture, must be for reducing us either to dependence on that foreign nation, or to be clothed in skins and to live like wild beasts in dens and caverns. I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort..." ²⁵

Jefferson's modified position was that the United States should encourage home manufactures to the extent of their own consumption of all articles of which they raise the raw material. This would partly check the tendency towards converting the great agricultural republic into a city of Amsterdam. The good sense of the country, Jefferson trusted, would realize that its greatest prosperity depends on a due balance between agriculture, manufactures and commerce. "An equilibrium of agriculture, manufactures and commerce, is certainly become essential to our independence. Manufactures, sufficient for our own consumption, of what we raise the raw material (and no more). Commerce sufficient to carry the surplus produce of agriculture, beyond our own consumption, to a market for exchanging it for articles we cannot raise (and no more). These are the true limits of manufactures and commerce." ²⁶

Should the country reach a point where manufactures exceeded domestic consumption, then the question of disposing of the surplus would have to be faced. The answer would depend on the developments and the circumstances which shall then exist; for in the complicated science of political economy "No one axiom can be laid down as wise and expedient for all times and circumstances." 27

I have gone through this great length to reveal one important characteristic of Jefferson's political theory, namely, his constant reference to actual facts and the checking of his theories by his experience. The philosopher-statesman was always ready to let practice modify theory, for he was deeply convinced that no responsible man could be free to decide a political or an economic question on principles of theory only.

Another example of Jefferson's compromising attitude comes up with the problem of slavery - a problem without the consideration of which, this chapter would be incomplete. Jefferson, in his earlier writings, deplored slavery on moral and on political grounds. He trembled for his country when he reflected that God is just and that he would not forgive such a violation of human rights. Slavery transforms one half of the citizens into despots and the other half into enemies of the country. It destroys the morals of the masters, and degrades the slaves to submission. Slavery should be abolished because the slave had no patriotic feeling and no respect for property, and because the master became an idle despot.

As his first attempts to abolish slavery through direct legislation failed, Jefferson came to the conclusion that the mode of emancipation must be a matter of compromise between the passions, the prejudices, and the real difficulties which will have their weight in that operation. The minds must be prepared for a peaceable accommodation 'between justice, policy and necessity'. 28 He, then, worked out a plan for a gradual process of emancipation. Only the newborn, according to that plan, should be freed since they were worth ~~white~~, little. They should be trained at state expense in industry and agriculture, then exported to a distant colony and an equal number of whites imported presumably as indentured servants. He justified exporting the blacks on the ground that they were naturally inferior in body and mind and their incorporation would eventually lead to convulsions and exterminations.

Upon entering the presidency in 1801, Jefferson seemed to forget his previous views on slavery and his elaborate plans for its gradual abolition. As the first magistrate he felt that the rights of property in slaves must be vigorously protected. Missouri, part of the Louisiana purchase, he admitted as a slave state, and dismissed the critics as mere speculative theoreticians.

Jefferson finally held that emancipation was a question that concerned only the masters and slaves. Third parties had no right to interfere, for actual property had been lawfully vested in Negroes and "who can lawfully take it from the possessors?" 29 Jefferson's earlier innocuous emancipation sentiments were excused by his followers as the effusions of the speculative philosophy of his young and ardent mind ... which his riper years have corrected. But justice requires us to state that in spite of his respect for property in all its forms, Jefferson remained, to the end of his life, devoted ~~in~~ in principle to the cause of emancipation. The time was not ripe for putting an end to the slave-trade, and as a statesman, he had to accept existing facts that could not be readily changed. The enterprise of emancipation, wrote Jefferson to Edward Coles, in the autumn of 1814, was for the coming generation. "It shall have all my prayers - The only weapons of an old man." 30

BOOK III

BURKE AND JEFFERSON

INTRODUCTION

It is time now to bring together the two pillars of Anglo-Saxon democracy in a comparative study which has been rendered possible by the combination of several factors.

Burke and Jefferson, in the first place, represent two universal tendencies inherent in human nature. For men, generally speaking, are divided into two classes - first, those who are satisfied with the existing order and who lean toward the past; second, those who are not satisfied with things as they are and who prefer the dreams of the future to the glories of the past, those who emphasize freedom and progress more than peace and order. It is a fact that the first class of people usually fear the plain average man and distrust, and that the second class identify themselves with the people, have confidence in them, and consider them as the most honest and safe, although not always the most wise, depositories of public interests. It would be extremely interesting, at least to me, to compare the Conservative, aristocratic Burke with the radical, democratic Jefferson.

Although different in their outlook and directly opposite in many points, yet Burke and Jefferson belong, fundamentally, to the same historical tradition. In the first chapter of the second book I tried to show the real parentage of American thought in general and of Jefferson's theories in particular. Here I may add that Great Britain had a large share in Jefferson. He was of British stock; without a drop of foreign blood in his veins. He was born and bred a British citizen, and remained one for 33 years.

The qualities of Washington, Jefferson and John Adams, writes Francis W. Hirst, were truly English; their stubborn love of liberty and independence had been transplanted from England; they were inspired by the same principles which had been asserted by Pym and Hampden and were to be reasserted, by the reformers of 1832.¹ Jefferson's theories of law and government were derived, as we have seen, not from Rousseau or any French source but from Coke and Algernon, Sydney and John Locke.

Burke himself was aware of this strong bond when he reminded the House of Commons in his remarkable speech on Conciliation with America, that the people of the colonies were descendants of Englishmen, that they emigrated from England when love of freedom was the predominant part of English character, and that they drew from the mother country, as with their life-blood, English ideals. "They are therefore not only devoted to liberty, but to liberty according to the English ideas and on English principles."²

Let us imagine two currents of ideas flowing within Anglo-Saxon historical development; one current followed a classical conservatism track, found in Edmund Burke its most eloquent expression, and was crystalized and embodied in the English Conservative Party; the other main current followed a progressive, radical track, crossed the Atlantic Ocean to find in America the most convenient environment for the development of democracy in its radical form. It finally came into the hands of Jefferson who defined its principles and translated it into the American Democratic Party.

Within the framework of Anglo-Saxon democracy, therefore, we take these two figures, namely Edmund Burke and Thomas Jefferson, as representing two main currents in the same stream; each of them being truly typical of his country and of its political traditions. It will be noticed that I assume here that the Conservative Party in England is the embodiment of the typical English tradition par excellence, and that Jefferson's Democratic Party, which is not to be identified with the Democratic Party of today, was the American Party in the same sense.

In the first chapter of the first book it was shown, that Burke's political philosophy was deeply rooted in the tradition of his country, and that he was the national product of the British thought and the English way of political life. It remains to say few words concerning *English political thought and on* the great influence he has exercised on English Conservatism as a movement. With reference to the second point it would be enough to remind the reader that the 'Young England' group which formed, in the middle of the nineteenth century, a nucleus of a rising tory Democracy, was inspired by Burke's writings. Benjamin Disraeli identified himself with Burke and took the title of Beaconsfield from the great man's home.³ His principles, too, flowed naturally from the main stream of conservative tradition. Disraeli, says Prof. Hearnshaw, was the legitimate successor of Bolingbroke and Burke.⁴

The same is true of most of the prominent conservatives like Canning and Randolph Churchill. It seems to me that Burke has had more disciples in England than any other English political philosopher. His works, and especially his speeches have become English Classics and are used as a veritable manual for the guidance of English statesmen. As to his permanent influence upon the life of his country, no one is better qualified than H. J. Laski to give a testimony. "The great watershed of English political philosophy is Edmund Burke;" writes Prof. Laski, "for it was he, more than any other thinker, who gave to the metaphysical outline of Locke's theory of the state that substantial content it has possessed down to our own time...What is vital in his outlook is as living today as when he first uttered it. He is the true founder of the third British Empire... He was the first person to give the party system in Great Britain its

full letters of credit; from that day to our own time the realization that party government is the essential principle of a representative constitutional system has not been challenged save by those who desire to desert its foundation. His view of the relation of natural right to expediency; his theory of government as a trust; his emphasis upon prescription and property as defining the effective contours of the state; his disposition to preserve and ability to improve as the criteria of statesmanship; these have entered into the thoughts of Englishmen to a degree it is difficult to over-estimate. Until our own time, at least, there is little political philosophy in this country that does not bear upon its face the mark, conscious or unconscious, of his mind."5

Being typical of Christian classical England because of his embodying English political ways of thought and characteristics, and because of his permanent influence, Burke is brought here face to face with another political thinker who is typical of his country, America, as being a natural product of its physical and mental environment, and influencing in his own way its political development. America's first great democrat is a true match to Britain's first great Conservative.

The statesman who wrote the Declaration of Independence, the founder of the national Democratic Republican Party, the ruler of the United States, the leader of Republicanism and the prophet of Democracy embodied in himself, to use John Dewey's words, typical American characteristics that are usually dispersed. "He stated thoroughly and intimately the aims embodied in the American tradition: The definitions and axioms of a free government."6

In drafting the Declaration with which many millions of people are today as familiar as with the Lord's Prayer, Jefferson did not consider it as any part of his charge to invent new ideas altogether and to offer no sentiment which had never been expressed before. To John Adams' insinuations that "there is not an idea in it but what had been hackneyed in Congress two years before." Jefferson made the following reply: "...Neither aiming at originality of principles or sentiments, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind...All its authority rests on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, on the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc."7

Two phrases in this reply deserve particular notice, "an expression of the American mind" and "the harmonizing sentiments of the day." It is no paradox to say that Jefferson influenced America the more because he understood best the American mind and attempted to express in his simple and felicitous language the inarticulate aspirations and the indefinite ideals of the speechless and awkward masses.

Prof. Morse wrote in 1883 that for the last hundred years one of the first facts taught to any child of American birth is, that Jefferson wrote the Declaration of Independence.⁸ And the Declaration is still considered as the classic expression of the ideology of that American tradition which is bound up with democratic institutions.

The author of the most precious document in American history, however, did something much more fundamental; he formulated the creed of Americanism, he worked out a philosophy and tried to build a state upon it. The following quotations from different American authors will help to illustrate how far Jefferson was successful in shaping the destinies of his country and how much was the influence he has exerted upon successive ages.

"No name," says Prof. Merriam, "is more often or more intimately associated with American Democracy than that of Thomas Jefferson. During his lifetime he was the American democrat par excellence; on his death he was politically canonized, and his words are still quoted with confidence and received with respect in the consideration of almost all political questions."⁹

Prof. Muzzey tells us that a populist senator of the last generation remarked that every opinion delivered in the senate of the United States was backed by a quotation from Thomas Jefferson.¹⁰ Then he goes on to describe his own observations and his direct experience. The name of Jefferson, he continues, is cited more often than any other in our political platforms, his portrait hangs with Washington's and Lincoln's in Convention halls, and his principles are appealed to as the creed of every true American.¹¹

Lastly, I would like to quote Prof. Hirst who in preparing himself for a biographical study of Jefferson, made a visit to Virginia in 1921. He saw Monticello and Williamsburg and the University of Virginia and came in contact with the oral tradition, 'which still speaks of (Mr. Jefferson) as if he were alive'¹². In his introduction to the book he writes: "Jefferson's sway over American Democracy is unquestioned. No one can understand the currents and cross currents of public life in the United States, or the constitutional controversies which have agitated parties since the Union, if he ignores Jefferson. For such an ascendancy there is no parallel in English Politics."¹³

For such an ascendancy, I may object, there is one possible parallel in English politics. It is Edmund Burke, of course.

As we come to the close of this introduction I venture to say that the two general tendencies in human nature, and the two currents (the English and the American) in the Anglo-Saxon tradition, that found their unique expression in Burke and Jefferson, have corresponded to two main inner

streams in the thought of the writer. This is what has made the debate a personal concern and an exciting experience. Being a democrat and a reformer by my education, and a conservative, even a tory by natural disposition, I admit that it was extremely difficult for me to stage the debate and conduct the discussion with the attitude of an impartial judge. I agree with Burke here, I agree with Jefferson there, and I differ with both of them here and there. I deeply sympathise with Burke, I greatly appreciate Jefferson, but I admire most the genius of the Anglo-Saxon race which could find a happy medium between Burke and Jefferson.

The outcome of this debate, therefore, shall not be a victory of one over the other; but a wise compromise and a workable marriage.

CHAPTER I

THE STATE IN THEORY AND PRACTICE

Conception of the State:

Jefferson's conception of the state is bound up closely with the theory of the Social Contract. Unlike Rousseau, who was never able to make up his mind whether the Contract is to be regarded as a historical fact or as a useful fiction, Jefferson regarded it as a transaction which actually happened in the past. The state, therefore, he conceived as a tool, a mechanism, deliberately created by man. The state for Jefferson, as well as for Hobbes and Rousseau, is an artificial, not a natural thing.

For this mechanical view of the state, Burke has substituted an organic, historical conception. Society is not the conscious and deliberate creation of man, but something which has been with him from the beginning. Under divine guidance, man had passed from a rude and primitive existence into organized society, in which various types of corporate institutions found appropriate places, such as throne, aristocracy, church, parliament, trades, sciences and manners. All these "just grew". And the real state of nature is the state of civil society.

Burke, in this respect, is essentially right. But Jefferson's conception is not altogether without its value; and therefore, there is some truth in it. Although he went too far in exploiting the Contract and took it too literally, he, nevertheless, laid down a noble presentation of the ideal to which all communities are moving, and emphasized the principle of consent which ought to form the foundation of every existing community. Tacit understanding must be at the basis of political association and the social contract theory is a question of right rather than a question of origins.

Having given Jefferson his due, I cannot but declare that his construction of society by fiction is extremely naive. It fails to satisfy a penetrating and an observant mind. From his witnessing the formation of a new state on a new continent he concluded that all states were thus artificially created. He failed, moreover, to go deep enough to realize how many ages collaborate to produce a national culture which provides a given state with its unifying principle. It is the glory of Burke that he used

the historical method with its full power to give the world the conception of the nation-state. The state is not a mere mass of men, as Jefferson thought, and the constitution of a country is not a problem of arithmetic. I am convinced that Burke's view of the state as a living organic unity, and his idea of the constitution as a process of growth and slow development through which national character take definite shape and crystallise in national institutions, are the visions of a profound political thinker.

To do justice to Jefferson let us remember that the American nation which was, by the second half of the eighteenth century, in its formative stage, could not have inspired the statesman of Virginia with a deep penetrating vision, seizing the truth about the state and nation. Whereas Burke had under his eyes the living story of a continuous national development, and the experience of political institutions which were the growth of six or seven centuries; Jefferson had to make a constitution for his native state and to establish federal institutions in the great political vacuum of America.

This fact, I am afraid, would not serve as an excuse for Jefferson; for a political thinker should not be satisfied with the political experience of his own country. The contemplation of a part of human experience would, naturally, give rise to a partial truth. The right field of observation for a universal thinker, is nothing less than the total experience of humanity, every where and in all time.

Sovereignty:

Starting from the organic nature of the state, Burke sets to work to refute Rousseau's doctrine of the sovereignty of the people and the doctrine of equality. Society is an organism, and its laws of growth are above and beyond the competence of individual wills to alter. It is the duty of man, so Burke is convinced, to recognize this social organism with its laws of growth almost as if it were part of the fixed order of the universe. The discipline of nature makes great multitudes act together as a people under the guidance of an aristocracy.

His refutation of the doctrine of popular sovereignty is best expressed in the Appeal from New to Old Whigs, where he says: "I cannot too often recommend it to the serious consideration of all men, who think civil society to be within the province of moral jurisdiction, that if we owe to it any duty, it is not subject to our will. Duties are not voluntary. Duty and will are even contradictory terms. Now though civil society might be at first a voluntary act, its continuance is under a permanent, standing covenant co-existing with society; and it attaches

from that association; without their choice they are subjected to duties in consequence of these benefits;

upon every individual of that society, without any formal act of his own. This is warranted by the general practice, arising out of the general sense of mankind. Men without their choice derive benefits, and without their choice they enter into a virtual obligation as binding as any that is actual."¹

Burke, thus, denies that ultimate political authority lay in the people of the state, and establishes the supremacy of the state itself. In the first place, Burke argues, man does not actually join a political association by his free will. He is born into a state and he is made to it. The place assigned to him by the author of his being, determines his obligations to mankind. Those obligations are not in consequence of any special pact. "They arise from the relation of man to man, and the relation of man to God, which relations are not matters of choice".² This is as true of his political obligations to the state as of his duties that result from other forms of association. Out of physical causes, unknown to man, perhaps unknowable, arise moral duties, which, as he is able perfectly to comprehend, he is bound indispensably to perform. A parent may not be consenting to his moral relation; but consenting or not, he is bound to a long train of burdensome duties towards those with whom he has never made a convention of any sort. Children, on the other hand, are not consenting to their relation, but their relation bind them to its duties; or rather it implies their consent, because 'the presumed consent of every rational creature is in union with the predisposed order of things.' Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation. If the social ties, Burke winds up his argument, begin, in most cases, and continue always, independent of our will, so, without any stipulation on our own part, are we bound by that relation called the state which comprehends (as it has been well said) 'all the charities of all.'²

There is another reason why we should be bound in duty and obligation to the state. It relates to the moral character of the state. For, let us not forget, the state in Burke's conception, is a sacred heritage, a mystical gift, existing in order to help man to fulfil his destiny. Without the state, he asserted, man could not by any possibility arrive at the perfection of which his nature is capable. And apart from the state no distinctively moral life is possible for man. "He who gave our nature to be perfected by our virtue willed also the necessary means of its perfection. He willed therefore the state." This divine institution, which we call the state, exists for moral as well as for material ends. And in order to function adequately and to play its important part, the relationship of the citizen to it must necessarily be that of duty, and its sovereignty over its citizens must be recognized as absolute and unlimited.

It is, indeed, a lofty and a noble conception of the state; but it is not true to facts as we experience them. For, the state, after all, is a group of human beings, occupying a definite territory and organizing collectively their public affairs. The authority of the state is generally exercised by a government which is against a group of citizens elected by or imposed upon the whole body of citizens. Law is the will of the monarch, or the expressed desire of the legislative body, or the customs of the group tacitly consenting. There is nothing sacred or divine about that all. It is ordinary human will working through and through. Jefferson saw this fact clearly and put it forcefully in the following terms: "The whole body of the nation is the sovereign legislative, judiciary and executive power for itself. The inconvenience of meeting to exercise these powers in person, and their inaptitude to exercise them, induce them to appoint ^{special} organs to declare their legislative will, to judge and to execute it. It is the will of the nation which makes the law obligatory; it is their will which creates or annihilates the organ which is to declare and announce it."³

I have quoted this passage to illustrate Jefferson's emphasis on the human will as the determining factor in the life of the state. But it will be noticed that another point is here involved. For Jefferson assumes, that the people as a whole are the origin of all just power, which means, in actual political life, that the will of the majority decides ultimately for the community. If a political theory might be tested by the general tendency of its practical consequences, it would be to the credit of Jefferson to have given the chief impetus to the adoption of the theory of popular sovereignty, as the basis of the American Commonwealth, and that he, with Rousseau, did more than anybody else to expound the doctrine which is now considered, chiefly through their efforts, as the logical foundation of democratic government.

Functions of the State:

Both Burke and Jefferson stood upon common ground as to the general end of government. They agreed that the happiness of the people and their welfare were the ultimate purpose of the state; and that the statesman's supreme charge was to realize what they considered the obvious duty of the state. Beneath this surface, however, important theoretical divergences occur. For Jefferson the state must have a limited sphere of activity. The state fulfils its purpose by protecting the rights of the individual and by settling disputes. Its authority, consequently must be jealously restricted.

For Burke, the state exists for more than the protection of life and property. It exists above all for moral ends; and that is the justification of compulsion. The

Things, temporary and perishable.
 "It is a partnership in

state is not simply a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection.

This difference is fundamental. One conceives political phenomenon as an independent department of man's life, and seeks to achieve social good in a purely secular order, with the aid of political institutions. The other conceives of man's nature as one organic growth in which politics and morals, reason and imagination, law and poetry, are all inseparably intertwined, all blended in one indissoluble whole.

I can say without hesitation that Burke's conception is more profound. For the life of man could not be possibly divided artificially into totally independent departments, one for religion, the other for politics and the third for art. The only correct theory is that which views man, with all his diverse interests, different activities and his numerous contradictions, as one whole - man, the political, the religious, the commercial, the artist, the angel and the devil. The state can not completely ignore the moral ideas of its citizens, for man moves under the discipline of his opinions, and religion is among the most powerful causes of enthusiasm.

In this difference, therefore, a big problem is involved. It is the problem of church and state and their right relationship. The divergence between Burke and Jefferson seems here to become wider and more far-reaching. To Jefferson the state has nothing to do with religion. And civil society needs no religious sanction. For, to begin with, morality itself is not founded on a religious basis. In that Jefferson appears as a typical eighteenth century man seeing no necessary connection between religion and morality. But what is the foundation of morality, one might ask. To answer that question Jefferson examined the different solutions proposed by theologians and philosophers, in a letter to Thomas Law during the summer of 1814. "It was vain to say that it was truth; for truth is elusive, unattainable, and there is no certain criticism of it." It is not either the "love of God" for an atheist may have morality, and "Diderot, d'Holbach, Condorcet, are known to have been the most virtuous of men." It is not either the to Kalon, for many men are deprived of any aesthetic sense. Self-interest is more satisfactory, but even the demonstration given by Helvetius is not perfectly convincing.⁴

The truth of the matter is this - man is born with a moral sense which is as much a part of his constitution as that of feeling, seeing, or hearing. Nature, insists Jefferson, has implanted in our breasts a love of others, a sense of duty to them, a moral instinct which prompts us irresistibly to feel and succour their distresses. It is ~~true~~ that these social dispositions are not implanted in every man, because there is no rule without exceptions;

but it is false reasoning which converts exceptions into the general rule.

Nature, again, has provided man with a test for virtue. It is not self-interest, as Helvetius had maintained, but general interest and social utility. The moral instinct and its social test, which are absolutely necessary for an animal destined to live in society, thus render unnecessary the alleged role of religion in the life of society.

Burke, agreeing to the proposition that society cannot be organized and subsist if it is not composed of moral beings, differs radically in that he identifies morality with religion. The very foundations of society, he believed, are laid deep in the doctrines of God, free will and immortality. The state is a product of divine will and man is by his constitution a religious animal. Religion is the essential basis of man's civic, no less than his moral life. Without it there can be no healthy national existence.

This recognition of the vital importance of religion in the constitution of the state led Burke to assert formally and openly that "in a Christian commonwealth the church and the state are one and the same thing, being different integral parts of the same whole."⁵ He, therefore, supported the state establishment of religion and considered the Church of England as one of the strongest elements of English society, a great conservative force, a majestic historical tradition, and a living witness on behalf of the spiritual order against the invading materialism of the age.

Jefferson, starting from different premises, wanted a complete separation of church and state. He put up a stiff fight against the Episcopal church which was established by law in Virginia, endowed with lands and supported by taxes; and he kept up the fight until the church was disestablished. To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, Jefferson thought, is sinful and tyrannical. But the separation of church and state meant, above everything else that civil rights have no dependence on religious opinions, and that no citizen is to be deprived of any privilege or any advantage because of his faith. This principle of toleration which is the thing that really matters in practical life would be willingly adhered to by Burke. The existence of an established church does not necessarily imply the persecution of religious minorities. Neither does it mean the deprivation of civic or political rights. In fact, Burke did not consider it the business of the state to dictate to the individual's conscience or to interfere with his religion. He was ready, moreover, to tolerate fully all dissenting churches. And the only difference between him and Jefferson in this respect is the fact that Jefferson's toleration knew no limits, whereas Burke, tolerant as he was in spirit, drew distinct limits even to

the principle of toleration, so that he would invoke the majesty of the laws to 'cut up the very root of atheism.'

When we come to the problem of state interference in the economic activity of the community we find their positions, in a sense reversed. Jefferson would lay certain principles that might be interpreted in such a way as to open the door for the government to interfere. Burke, on the other hand, admits no interference and his explicit and definite statements on the subject leave no chance for a similar interpretation. In a previous chapter on Jefferson's economic ideas we gave a full account of his position. It remains to see how Burke deals with the problem which, since the industrial revolution, has assumed major importance in the life of the modern state.

As a sincere believer in laissez-faire and supporter of the classical school of economics, Burke trusted that the wise Disposer of things obliges men, whether they will or not, in pursuing their own selfish interests, to connect the general good with their own individual success. The rich, for instance, being the natural trustees for those who labour, do, in effect, execute their trust, whether they mean it or not. Some do it with more, some with less fidelity and judgment; but, on the whole, the duty is performed, and every thing returns, deducting some trifling commission, to the place from whence it arose. "When the poor rise to destroy the rich," writes Burke, "they act as wisely for their own purposes as when they burn mills and throw corn into the river to make bread cheap."⁶

Richness and poverty, the privileges of capital and the miseries of labour, and all the problems that arise from the free working of the capitalist system, are to Burke, in the nature of things. The whole sphere of economic activity is subject to natural laws and natural principles of trade which operate smoothly and produce the best possible results. An attempt on the part of the government to interfere with the established laws of production or of distribution would disturb the natural order itself, and would fail to achieve any good. In short, "interest, habit, and the tacit convention, that arise from a thousand nameless circumstances, produce a tact that regulates without difficulty, what laws and magistrates cannot regulate at all."⁷

The state, therefore, must not meddle in these affairs. All that it has to do is to protect industry, secure property, repress violence, and discountenance fraud. The rest is in the hands of God. In this fatalistic way, Burke managed to avoid the problem. The implications of his attitude would be made clear in the following remarks which compare and contrast the two inconsistent economic thinkers.

I. In principle, both Burke and Jefferson believed in private property and free enterprise, and gave their strong adherence to the principles of laissez-faire. Control of production and distribution of commodities and services by means of any political agency would have seemed to them the negation of individual liberty, and the complete nullification of what they deemed, each one in his own way, the effects of good government.

II. But, whereas Burke was absolute in his preventing the state from meddling in economic problems; Jefferson was more compromising. He qualified his general principle of non-interference, and by conceiving one or two contingencies where the state must come in to regulate or to control, he opened a back door through which the government could smuggle its regulations. What things the state cannot do in the name of the natural rights of the poor? What things do not come under the pretext of re-establishing the equilibrium between the different occupations?

John Dewey thinks that the Jeffersonian principle of equality of rights without special favour to any one justifies giving supremacy to personal rights when they come into conflict with property rights. He goes even further and claims that "while his views are properly enough cited against ill-considered attacks upon the economic relations that exist at a given time, it is sheer perversion to hold that there is anything in Jeffersonian democracy that forbids political action to bring about equalization of economic conditions in order that the equal right of all to free choice and free action be maintained."⁸ Such an interpretation of Jefferson's theory might not be wholly justified, but the fact remains that the theory itself contains certain elements which invite speculation along socialistic lines. In this particular case I do not quite agree with the underlying thought of Prof. Dewey, for if there is nothing in Jeffersonian democracy that forbids the state to extend its activities to the field of economics, there is not anything in it that allow or encourage, directly or indirectly, a scheme of equalization of economic conditions.

On the contrary, one might infer from Jefferson's criticism of the progressive tax that he would have strongly opposed any scheme of that kind. In a letter to Joseph Milligan, Jefferson stated clearly that the use of the taxing power to correct inequalities of wealth violated, in his opinion, the first principle of society, namely, "the guarantee to every one of a free exercise of his industry and the fruits acquired by it."⁹ Such taxation robbed the virtuous of the fruits of their industry and the industry of their fathers, for the benefit of the less virtuous. Apparently Jefferson, by 1816, had forgotten that he had advocated such taxation in France for the establishment of small proprietors. It is more likely,

however, that his suggestion concerning a foreign country, early in 1785, had not been seriously considered; and that when he gave serious thought to the question after thirty years of experience he came to the conclusion stated above which is in direct line with the general trend of his economic philosophy.

III. Jefferson seems to have realized the close connection that exist between the field of politics and that of economics. He depicted the effect of certain occupations on the character of men and on their social standard and recognized the existence of social classes resulting from that effect. He was aware of the results of concentrating wealth in the hands of a few citizens, so he opposed Hamilton's scheme of establishing a national bank. He conceived the idea that political freedom in a free republican system required a certain degree of economic security for the individual. Consequently, he proposed that every landless citizen in the state of Virginia shall be held entitled to fifty acres of unappropriated land.

Burke was silent on most of these delicate questions and where he expressed his views, he revealed a total ignorance of the fundamental connection between economics and politics. He saw clearly enough that the monopoly of power was, in every instance and in every degree, an evil; but the monopoly of capital was 'a great benefit, and a benefit particularly to the poor'¹⁰. It is surprising how a keen mind like that of Burke failed to notice that economic power tends, almost always, to translate itself into political power. It does so necessarily in order to protect, to defend and multiply its original wealth; and it does so, naturally driven by the lust for power in its various forms, and by the urge for more power that is stimulated by the first doses applied to human nature.

IV. Add to that all the fact that Burke was totally blind to the problem of poverty. Or, to put it differently, poverty was no problem at all. The labouring people, thus he reasoned, are only poor, because they are numerous; and numbers in their nature imply poverty. In a fair distribution among a vast multitude, none can have much. "That class of dependent pensioners called the rich, is so extremely small, that if all their throats were cut, and a distribution made of all they consume in a year, it would not give a bit of bread and cheese for one night's supper to those who labour and who in reality feed both the pensioners and themselves."¹¹

The only way of dealing with poverty is to recommend to the poor, patience, labour, sobriety, frugality and religion.

When a man cannot live and maintain his family by the natural hire of his labour, ought it not to be raised by authority? Burke answers in the negative; for labour is a

commodity, and as such, an article of trade. It must be, therefore subject to all the laws of trade, and not to regulation foreign to them. We must not break the laws of commerce, because they are the laws of nature, and consequently the laws of God.

But what if the rate of hire to the labourer comes far short of his necessary subsistence and the calamity of the time is so great as to threaten actual famine? In that case, says Burke, since the labourer can claim nothing according to the rules of commerce, and the principles of justice, "he passes out of that department and comes within the jurisdiction of mercy. In that province the magistrate has nothing at all to do; his interference is a violation of the property which it is his office to protect."¹²

While Burke believes that it is not within the competence of government to care for the poor or to relieve them, Jefferson stands convinced that it is the duty of government to see to it that all its citizens are usefully employed. He actually proposed that every citizen should be helped by the government to buy a piece of land and establish a small farm that may secure his economic needs and his liberty. And the children of the poor people, in his educational scheme, were to receive their education, as far as they could go, at the expense of the government. These and other similar provisions, he thought, would contribute much towards safeguarding republican government. In short, Jefferson stood not hopeless before the difficult problem as did Burke, partly because he was aware of its bearing upon democracy and of the natural interdependence of things economic and things political.

Paternalism and Individualism:

A political philosophy which starts from the supposition that men are naturally isolated units and achieve society only as the result of an artifice, is in its essence violently individualistic. But Jefferson, refusing to become the slave of his logic, stands among individualistic theorists as a moderate and reasonable individualist. While placing great emphasis on the rights of the individual and the full development of his natural powers, he believes that this can be best accomplished in some cases by state regulation and even by a limited amount of direct state action. He believes that the state is justified not only in maintaining its integrity and in protecting the life, liberty, and property of its citizens, but also in undertaking such other functions as may be conducive to general welfare. Thus, while resting on an individualistic basis, Jefferson's point of view is modified by utilitarian considerations which bring it to a more or less middle position between extreme individualism and excessive paternalism.

Burke, on the other hand, while starting with a conception that tends to idealize the state by making it the bearer of all that has the highest value for civilization, ignores the implications of his conception and declines the task of taking the following logical steps which led German abstract rationalists to Totalitarianism. He was against an over-doing of any sort of administration. The leading vice of the French monarchy, he pointed out, was in a good intention ill-directed and a restless desire of governing too much. The state ought to confine itself to what regards the state or the creatures of the state, namely, "the exterior establishment of its religion; its magistracy; its revenues; its military force by sea and land; the corporations that owe their existence to its fiat; in a word, to every thing that is truly and properly public, to the public peace, to the public safety, to the public order, to the public prosperity."¹³ In its preventive police, the state ought to be sparing of its efforts, and to employ means, rather few and unfrequent. Statesmen, real statesmen will proceed in their superior sphere steadily and vigilantly. Whatever remains, will, in a manner, provide for itself. If they descend from a state to a province, from a province to a parish and from a parish to private house, "they go on accelerated in their fall. They cannot do the lower duty, and in proportion as they try it, they will certainly fail in the higher."¹⁴

It is interesting to note that the man who had severely criticized the anarchical phase of the French Revolution between 1789 and 1792, launched against the French authoritarians of 1793 the charge that 'individuality is left out of their scheme of government' and that 'the state is all in all'.

To conclude, Burke and Jefferson believed in private initiative and individual liberty. Each one of them fought valiantly in order to establish a sacred sphere of individual freedom into which the government would be forbidden to enter. Although they had started from two different, and directly opposite, views of the state, they ended in the center, one a little to the right, the other a little to the left, and seemed to agree that the true relationship between the people and the state was to be found by avoiding both extremes, and that the best possible government is that which governs as little as possible or as much as necessary.

CHAPTER II

NATURAL RIGHTS AND EXPEDIENCY

Jefferson assumed, with the Social Contract theorists, that man is endowed by nature or by his Creator with inherent rights and that those rights are the foundation of the state. On entering society the individual does not surrender any of his natural rights; for they are, in Jefferson's view, inalienable. He only gives up partly certain rights in order to render their totality more secure. Government, therefore, is instituted among men to protect the individual in the exercise of his natural rights, and it derives its powers from the consent of the individuals composing the state. If a government becomes destructive of those rights or if it violates them it is the right of the people to change the government or to abolish it and to institute a new one. These 'propositions' were held by Jefferson as self-evident truths.

One of the corollaries of the above-stated theory is this: legal rights whether civil or political are not the creation of the state; they are rather natural rights inherent in the individual and recognized legally by the state. The state is there not to create, but to declare, to recognize and enforce rights that preceded its own existence. As no man has a natural right to interfere with the rights of others, it is the duty of the law to restrain every one from such interference. No man has a natural right to judge in his own case; therefore the law must judge. Thus it appears that the works of the state consists essentially in giving a legal dress to the primitive natural rights of man.

Another corollary follows from the same theory, namely that government is a function of natural rights. In other words, having started with the assumption, or the self-evident truth, that man is born with inherent and inalienable rights, Jefferson derived a whole system of government characterised by the wide sphere of individual liberties and by the consent of the governed being the basis of authority. Jeffersonian democracy, therefore, rests ultimately on the reality of natural rights.

Burke does not accept the claim that the foundation of government is laid in 'imaginary' rights. The only rights he commonly admitted as valid were rights based

on the civil laws of the state, provided that civil laws accorded with the precepts of the eternal law of God. Consequently he rejected all pleas which were based upon conceptions of abstract right, offering several objections to such arguments.

In the first place, he considered such claims arbitrary, for there is no definite, known means of deciding what is, and what is not a natural right. Each theorist may form his own list of rights by accident or by caprice, but he can not give a valid reason for his version. Hence the whole question of rights is an impenetrable jungle to be left to the schools. Burke himself did not intend to be overwhelmed in 'the great serbonian bog' however respectable may be his company.¹

Such arguments, based on abstract rights, in the second place, are irrelevant and therefore they are apt to mislead. Politics is concerned not with speculation, but with practice. The test for political measures must be, therefore, not speculative perfection, but practical advantage. The English might have a right to tax the American Colonies, argued Burke, but it is not in the interest of England to enforce that right. The assertion of their theoretical title could result in the real loss of the empire. "What signify all those titles, and all those arms", cried Burke in the House of Commons. "Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons."²

The third objection is directed against the very foundation of what Burke calls 'political metaphysics'. The 'speculatists' of the 'schools' fail to see the enormous complexity of the needs and interests of society. They fail to realize that the science of constructing a commonwealth is, like every other experimental science, not to be taught *à priori*. Each fresh question is, in a sense, unique. It has its own peculiarities which must be taken into consideration by the statesman who intends to make a wise decision and offer the right solution. A statesman, therefore, must not act on abstract principles, drawn from the schools, such as the principle of abstract rights, but on principles drawn from experience and capable of being modified to suit the circumstances of the particular case.

The pretended rights of the theorists, moreover, suffer from the fact that they are all extremes. Metaphysically they might be true, but morally or politically they are bound to be false. For 'the rights of men are in a sort of middle, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances between differences of good; in compromises between good

and evil, and sometimes between evil and evil. Political reason is a computing principle; adding, subtracting, multiplying, and dividing, morally, and not metaphysically or mathematically, true moral denominations'.³

Lastly, Burke reminds the theorists of abstract rights that in so much emphasizing rights they tend to forget the fundamental fact that every right must have a corresponding duty. It is the essence of all rights and of all privileges to impose duties on the holder, the person of inherence; and on the person of incidence. When those duties are violated the right is shaken, and in extreme cases it is altogether lost. A right is in the strictest sense, a trust; 'and it is of the very essence of every trust to be rendered accountable, and even totally to cease, when it substantially varies from the purposes for which alone it could have a lawful existence'.⁴ In short, rights are granted conditionally on the performance of duties.

From this assault upon the theory of abstract rights and its tendency towards metaphysical politics, Burke emerges as the champion of the principle of expediency. The foundation of government is laid, not in imaginary abstract rights of men, but in political convenience which is another word for expediency. The rights of men are to be determined not on abstract grounds, but by the advantages which they offer to those who hold them; that is to say by expediency. Political problems and questions that confront statesmen and nations are not to be examined with reference to the idea of right; for no right is worth anything unless it can be exercised and enforced. In his speech on conciliation with America, Burke told the House of Commons that he was resolved to have nothing to do with the question of the right of taxation. "I put it totally out of the question. It is less than nothing in my consideration... My consideration is narrow, confined, and wholly limited to the policy of the question." And the policy of the question is to be determined by expediency and political convenience.

Let us examine, then, this important, universal principle on which Burke proposed to build his politics. To begin with, we do well if we remember that Burke had adopted the historical method and applied it constantly to the current problems of his days. Now, the historical approach to politics means the appeal to experience; and the appeal to experience means the acceptance of expediency. What is, then, the essence of this ultimate test of policy?

Expediency, as Burke conceived it comprises two ideas:

1. It denotes enlightened self-interest, or what a generous tells it is wise to do. "The question with me is," says Burke, "not whether you have a right to render your people miserable; but whether it is not your interest to make them happy."⁵

2. With self-interest it combines the idea of duty. For expediency is not 'what a lawyer tells me I may do; but what humanity, reason, and justice tell me I ought to do.'

Expediency then is the general interest and the permanent welfare of the whole nation. But to say that it is the general interest of all is not to justify it as an ultimate principle. And Burke's argument is not all-convincing. For, in the first place, who is going to decide what is or is not expedient in the particular circumstances? What is, in the second place, the criterion with reference to which a thing or a policy is to be deemed expedient or not. If expediency is identified with practicability and the expedient is that which is practicable, then the principle reduces itself to the argument ridiculed by Rousseau in the preface to *Emile*: "Proposez ce qui est faisable, ne cesse-t-on de me répéter. C'est comme si l'on me disait: Proposez de faire ce qu'on fait." If expediency, on the other hand, means to follow a precedent, then the precedent becomes our criterion, not because it is wise or just, but simply because it has received the sanction of time. This amounts to considering an ancient wrong or an old error as just and wise - which is absurd.

The truth, as G.E. Vaughan rightly suggests, is that the principle of expediency can never be an ultimate principle; that everything depends upon the temper and the presupposition of the man who uses it; that it is always an instrument of ideas and assumptions more fundamental than itself.⁶ Indispensable as a secondary principle, expediency can never form the foundation of a political system.

It might be objected that in another version of the argument from expediency, Burke seems to suggest that the past is there to provide us with a pattern or a standard of political conduct. Expediency, according to this supposedly improved form of the concept, is identified with obedience to the past. It implies, further, that we find what ought to be in what is or in what has been. That implication led Lord Acton to condemn Burke as too historical 'to the detriment of his reasoning powers and of his moral sense.'⁷ The appeal to a standard does not carry us very far. And the old question is to be raised again: What is to determine the standard itself? Expediency! That would be the bankruptcy of reasoning. The law of nature which is revealed to us through the records of history? Perhaps; but is this law of nature capable of exact definition? Who has the authority and wisdom to declare what is the true nature of the 'settled order' of the world?

There is no way of avoiding the conclusion that expediency is not satisfactory as an ultimate principle of politics. And the fact that the principle received several interpretations at Burke's hands, proves that the champion of expediency himself was not fully satisfied with any one of them. The concept remains to the very end, vague, undefined, or imperfectly defined; and no attempt is made to harmonize the different meanings given to it.

Since the issue between Burke and Jefferson has been reduced in this chapter to a struggle between Expediency and Right; and since Burke's principle has been proved unsatisfactory as the foundation of a system, we are forced to fall back on Jefferson's principle of right. There will be no need to reproduce the historical and philosophical criticism which has undermined the intellectual basis of the legal theory of natural law and natural rights; for Jefferson's principle is not to be defended on the ground of natural law as conceived by the philosophers of the seventeenth and eighteenth centuries. The natural rights of man proposed by Jefferson are not metaphysical, abstract rights; and we need not accept self-evident truths without evidence.

To put ourselves in touch with Jefferson's position, let us follow John Dewey's advice⁸ and translate the word 'natural' into 'moral', and then forget all special associations with the word. This translation which results in giving to the original word, carelessly used, a definitely ethical import, does not change the substance of Jefferson's fundamental ideas. Indeed it makes them more real and intelligible. Natural rights thus become, to use Dewey's words, "aims which, although ideal, are not located in the clouds but are backed by something deep and indestructible in the needs and demands of human kind."⁹ In other words, natural rights are to be understood as the deeper psychological demands of humanity; they are the necessary conditions for the full development of personality; they are rights because they are needs; they are real rights because the needs of human nature are themselves real.

If, by natural rights, we understand those advantages or those (interests) without which the natural powers of the individual and his potentialities could not be properly expressed and fully realized, then we have arrived at a principle on which a philosopher may reasonably build his politics. It is not convenience; it is neither absolute truth nor abstract right; it is what reason and the general sense of mankind indicate as human needs.

Before this principle, thus conceived, Burke's objections fall to the ground; for:

1. The necessary demands of human nature are knowable and capable of definition.

2. Those real needs are not to be given up for expediency which is itself arbitrary.

3. It is true that man is a member of civil society and that the rights he enjoys are civil rights belonging to the members of an organized polity, yet if we go deep enough into the matter we discover that social and political rights are, in the final analysis, nothing more than those moral rights which are sanctioned by the state. Human

needs are the real basis of civil rights.

4. Moral rights need not be extreme rights. Jefferson admits that in society man has to give up partly certain rights, and he recognizes the fact that a certain limitation to the rights of the individual citizen is indispensable for securing the rights of all.

5. Jefferson did not divorce rights from duties. On the contrary, he believed that man was a rational animal, endowed by nature with rights and endowed at the same time with an innate sense of justice. Not only does he say: "I am convinced man has no natural right in opposition to his social duties," and that "man was destined for society," but also that "questions of natural right are triable by their conformity with the moral sense and reason of man."

The principle of expediency was so unsatisfactory, and the moral appeal of natural rights was so strong, that Burke had to make an exception to his general condemnation of all abstract principles. He occasionally admitted that there was such a thing as the natural rights of mankind, and that they were indeed 'sacred things'. He wrote in the *Reflections on the French Revolution*: "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."¹⁰ Among the 'real' or the 'primitive' or the 'natural' rights of men, Burke recognized equality before the law and the elementary civil rights. "Men", he asserted, "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...Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour."¹¹

Prof. Vaughan doubts whether, on Burke's principles, it was legitimate to recognize 'natural rights' of any sort or kind. And Leslie Stephen considers Burke's 'transient deviations' into the 'quasi-metaphysical language' as a simple assertion of the principle acknowledged by all theorists, and equally evident on all methods of reasoning; that the happiness of the governed is the legitimate end of government. "As soon as the abstract theorists," writes Stephen, "proceeds a step further, and would use his doctrine of 'equity', or of 'natural rights,' to override the teaching of experience, he parts company with Burke."¹²

While admitting that Burke's acceptance of the notion of natural rights is not in the general tenor of his theory, I see no reason to dismiss it as being totally insignificant. Burke's notion of natural rights is as real as his doctrine of expediency. It is not in our power to force on Burke one

of his doctrines with all its logical consequences and to deny him any other theory that may seem contrary to it. We have to take Burke as a whole with all his contradictions and all his inconsistencies. For, if there is any principle to which Burke adhered consistently it was the principle of inconsistency, and his theory is not the worse for it.

Besides, the teaching of experience does not always contradict the content of the primitive rights of man. On the contrary, it is reasonable to assume that in most cases they go together, and in the long run they have to meet. Burke would brush aside arguments based upon natural rights only if, in the given emergency, it was best for the good of society or the happiness of men to do so. But, we may ask, is it ever for the good of society or the happiness of men to deprive the individual of his elementary rights? In this instance Burke seems to admit that circumstances do not count.

It will be noticed that Burke, in his latter attitude towards man's primitive rights, comes to a point which is not very far from Jefferson's position. His admission, however, is subject to three important qualifications:

1. These natural rights of mankind must be affirmed and declared by express covenants. They must be clearly defined and secured against power by written instruments and positive law. In other words, formal recognition by the sovereign of original rights in the subject render them in a better condition. They would partake, then, 'not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance.'
2. Natural rights are not absolute and indefeasible. They are to be limited by expediency.
3. Political rights are not among the direct original rights of man. The share of power, authority and direction which the individual citizen may have in the management of the state, is 'a thing to be settled by convention.'

The first condition reminds us of Jefferson's insistence upon the necessity of introducing into the constitution a bill of rights embodying the natural rights of man, as a formal recognition by the sovereign political power, with the implication that these rights shall be guaranteed and enforced by the state. The second condition raises no difficulty if by expediency is meant the general welfare of society; for Jefferson stated clearly, in his version of the Social Contract, that each of the contracting parties agreed to limit its own natural rights for the convenience of all and for the more security their limited rights receive by the consent of the whole community.

But the third condition touches upon a fundamental difference between Burke and Jefferson, and raises a big problem which deserves to be treated independently in a following chapter.

CHAPTER III

DEMOCRATIC ARISTOCRACY

If by democracy is meant that form of government in which the ruling power of a state is legally vested, not in any particular class or classes, but in the members of the community as a whole, then Jefferson is a Democrat and Burke is not. In this respect the two political philosophers represent two fundamental parties into which men have been divided since speculation on the forms and functions of government began; namely, those who advocate government for the people by the strong, the rich, the titled, the educated; and those who advocate government by the people through awakening the dormant intellect and virtue of the whole community by a wide-spread system of education, a close control of public officers by the people, and a wide extension of the suffrage. What led Burke to the first camp and what made Jefferson the exponent of the second party, are the first questions to be answered in the present chapter.

Burke, it will be remembered, viewed society as an organic whole in which the people are fitted naturally into their different orders. The happiness of the people and the welfare of society are best secured by the continuance of the class-state, where the upper class, resulting from the free play of social forces through many generations, provides the leading and guiding part; and where the lower class is obedient to its superiors and happy and prosperous under a benevolent, public spirited aristocracy. This hierarchy, thought Burke, was natural in the sense that a true aristocracy is the essential part of any body politic rightly constituted. It is not a separate interest in the state; it is not separable from the state. The state of civil society necessarily generates it.

This order of things is not simply natural, but is also desirable; for, urged Burke, the masses are governed by passion rather than by reason and, therefore, they require to be ruled from above. "Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free."¹

Besides this profound distrust of the people and their self-governing capacity, there was Burke's belief that politics is a fine art and, as such, it ought to be limited to a class of experts; Tailors and carpenters, hair-dressers and doctors are not the right persons to rule. The great maxims of statesmanship are beyond their reach. They do not have leisure enough to acquire the necessary knowledge or to master the delicate details of the art. And to prove the necessity of leisure and of specialization in the art of government, Burke referred to several verses in the Old Testament. He found it written in the Ecclesiasticus that 'the wisdom of a learned man cometh by opportunity of leisure; and he that hath little business shall become wise.' He was sure also that the following verse contained a great deal of sense and truth; 'How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen; and is occupied in their labours; and whose talk is of bullocks?'²

To Burke's idea of a hierarchy in the state is opposed the idea of equality which forms the basis of the Jeffersonian conception of the state. In Jefferson's classless state every man is entitled to come within the pale of the constitution. Self-government is a right which every man possesses. He receives it with his being from the hand of nature.

While Burke feared and distrusted the people, Jefferson's reliance in public affairs was always on the vast bulk of the population, rather than on the politicians and the upper classes of society. Jefferson had confidence in the people. He had faith in the great mass of farmers, artisans, small traders, and the humble folk; and he sincerely believed in the essential accuracy and justice of their judgment. But Jefferson did not expect the common people to participate directly in all governmental activities. Their real function consists in selecting from among themselves the most qualified citizens and the best prepared to administer the country. The essence of Jefferson's Democracy is a belief in the ability of the average man, not to govern the country, but to select the best rulers. The divergence of opinion just here made Burke an Aristocrat and Jefferson a Democrat. Burke, having no confidence in the political wisdom of the average man, advocated the principle that electoral power should be deposited with the best men of all classes; and Jefferson, unable as he was to trust exclusively the gentleman, vested the whole citizen body with the electoral power.

Although Jefferson is generally regarded as the great champion of human equality, he never asserted that men are equal in their natural gifts. The equality he defended was a moral and a legal equality. He preferred to start with a hypothesis that all men are equal, in order to discover who are the best; for it is only by giving equal opportunity that distinctions of intellect and character are made to appear. His correspondence with John Adams reveals the fact that he recognized the existence of a natural aristocracy, an élite distinguished by high qualities and raised above

the average. He proposed, moreover, that the élite must be entrusted with the government of the country. What then is the difference between Burke and Jefferson, if both of them believe in an aristocratic government, a government managed by the best Few?

Agreeing, as they did, on an aristocratic government in the proper sense of the term - that is, a government by the best men in the given state - they differed as to:

1. The nature of this aristocracy.
2. And the manner of recruiting it.

Jefferson distinguished between two kinds of aristocracy:

1. A natural aristoi, the grounds of which are virtue and talents.

2. An artificial aristocracy founded on wealth and birth, without either virtue or talents (for with these two it would belong to the first class).

The first category, he considered as the most precious gift of nature for the instruction, the trusts, and government of society. And he made it clear that the best form of government is that which provides the most effectually for a pure selection of the natural aristoi into the offices of government.

To Burke, talents and virtues, indispensable as they are, do not constitute by themselves an aristocracy. Other things are required. Wealth is to give leisure and to create those material conditions without which no civilized existence is possible. Noble birth is to imbue man with a high spirit and to graft public principles on private honour. Hereditary wealth and the rank which goes with it, do provide the conditions for the acquirement of sentiments of dignity and for the development of the imperial character, and the formation of what the French call 'l'âme d'un seigneur'. An aristocracy is distinguished by its traditions of duty and service and by the principle of chivalrous honour which are closely tied up with great families of hereditary trusts and fortunes. "You, if you are what you ought to be", wrote Burke to the Duke of Richmond, "are in my eye the great oaks that shade a country, and perpetuate your benefits from generation to generation. The immediate power of a Duke of Richmond, or a Marquis of Rockingham, is not so much of moment; but if their conduct and example hand down their principles to their successors, then their houses become the public repositories and office of record for the constitution."³

This does not mean that Burke strictly confines power and authority to blood and titles. In the Reflections on the French Revolution he wrote: "There is no qualification for government but virtue and wisdom, actual or presumptive.

Wherever they are actually found, they have, in whatever state, condition, profession, or trade, the passport of heaven to human place and honour."4 But, assuming that wisdom and virtue are to be found largely among the class of the well-born, he proposed to leave the door open for the talented few of the lower classes of society. These 'rare' individuals must force their way through and, by triumphing over the many obstacles that baulk their way, they prove their real worth and improve their original qualities. "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 honour ought to be seated on an eminence. If it be opened through virtue, let it be remembered too that virtue is never tried but by some difficulty and some struggle."5

Burke, thus, conceives of the ruling aristocracy as a limited, landed or moneyed hereditary class, admitting, with difficulty, few individuals of rare talents to its ranks. Jefferson's natural aristocracy is differently recruited. With him neither wealth, birth, nor accidental circumstances should determine who is fit for public office. Education should be the criterion. All the citizens of a given state are to be given equal opportunity to display their talents, and the majority of the citizens are to choose the best talented for their government. In this way real merit would govern the state.

The question becomes: Which is the better way for recruiting the best men fitted to govern, the elective method or the hereditary nobility? Is it true that the latter is the surest way of obtaining recognition for the virtue and the talents of the community? If not, is Jefferson's method more satisfactory?

It is clear that Burke begins by assuming two things: First, that men are unequal; second, that the highest qualities are, generally speaking, the privilege of the great families of hereditary wealth and noble birth. The first assumption, true in itself in the sense that men are unequally gifted, is yet productive, politically, of unhappy results. Preferable is Jefferson's assumption that all men are equal - an assumption which leads him to lay adequate opportunities open to all and to discover the real talents, and to recruit the governing élite from all possible sources.

Burke's second assumption is fundamentally wrong; for virtue and talent are not hereditary, and the founders of aristocratic families were, all of them, pushful parvenu from obscure origin. Talents are dispersed in all dimensions of society and are to be found at least equally in all classes. His method of recruiting the governing class, or,

the legal recognition of the hereditary fortune that he proposed, is not in the best interest of society. Under such a system many talents would be wasted. It is true that some are able to rise from their lower position to a higher one, but the talented of the lower classes which compose the majority go unnoticed and their merits remain buried in poverty and ignorance. Those who enter the governing class are, in most cases, people of moderate means, rich enough to develop their potentialities and in such a condition as would save them from the miserable fate of their equals who happen to be born in the lower stratum of society.

Moreover, not all aristocrats are what they ought to be. A large proportion of them enjoy hereditary wealth and hereditary titles without rendering any service to their country; and the mediocrities or the corrupt among them, who enter into politics and get the highest positions by their connections and the influence of their families, do more harm than good. The country thus suffers both ways; it rejects, on the one hand, the services of the talents and virtues of the lower class, and, on the other hand, it gives privileges of wealth and distinction to a parasitic nobility which fails to perform its social duties. A waste of talents and a waste of national wealth.

It is only reasonable to claim that Jefferson's method is, to say the least, less wasteful. His educational scheme is capable of discovering the talents of the community and of giving them the possibility of development and the necessary encouragement. It remains to ask; if all the talents and virtue of a community are preserved, does it necessarily follow that the best talented or the wisest and the most virtuous do attain the eminence from which they could rule the country. In other words, is Jefferson's average man capable of choosing the best men for his government? And, realizing that he who chooses or elects his rulers, does in the final analysis control the government, it is to be asked further, whether the average man is able to pass judgment over his rulers and their policies.

Before attempting to answer these questions let us remind ourselves that Jefferson was no doctrinaire. He never argued that democracy was equally adapted to all times, places, conditions and peoples. He remarked that foreign nations, with the possible exception of England, could not 'borrow wholesale the American System'; and he warned his French friends that the French people could not be intrusted immediately with the administration of their own affairs. To Lafayette he wrote: "More than a generation will be requisite under the administration of reasonable laws favoring the progress of knowledge in the general mass of the people, and their habitation to an independent security of person and property, before they will be capable of estimating the value of freedom, and the necessity of sacred adherence to the principles on which it rests for preservation. Instead

of that liberty which takes root and growth in the progress of reason, if recovered by mere accident or force, it becomes, with unprepared people, a tyranny still, of the many, the few, or one."⁶ Although representative government was in his eye the best possible form of government, he found that some people, who were still unprepared, should not be granted at once the full enjoyment of their natural rights. Self-government is to be obtained after a long and painful process of education.

The first requirement, therefore, is a high level of political existence achieved by the people wishing to adopt the democratic, representative form of government. To that two other conditions are added: first, that every citizen is to know how to read and write, second, that every one must be well informed through a free press and forum. A people whose members are thus qualified is a safe depository of its elective and controlling power. After all it does not take a genius to discover the wise and the virtuous among men. And Burke himself admitted that the people are capable of telling whether they are ill or well governed.

Jefferson, however, does not transfer to the people the doctrine that the king can do no wrong. He does not agree with Rousseau that the general will is always right. He fully realized that the multitude, although wishing the good thing, does not always see it. Yet this did not shake his faith in the essential accuracy and justice of the judgment of the mass of the common people. "The people," he said, "are the only censors of their governors... They may be led astray for a moment, but will soon correct themselves." Fallible as they are, they would show, in the long run, wisdom and discrimination, and they would select, in the main, the most able and the most honest.

Burke ridiculed the principle of the majority will as applied in France: "Men with them are strictly equal, and are entitled to equal rights in their own government. Each head, on this system, would have its vote, and every man would vote directly for the person who was to represent him in the legislature..."⁷ To those who suggested that the people of England (twenty-four millions) ought to prevail over the two hundred thousand of hereditary property and hereditary distinction, he replied: "True; if the constitution of a kingdom be a problem of arithmetic. This sort of discourse does well enough with the lamp-post for its second: to men who may reason calmly, it is ridiculous. The will of the many, and their interest, must very often differ; and great will be the difference when they make an evil choice."⁸

Does the will of the few coincide with the interest of the many? If numerical majority is not a satisfactory principle, what is to be the alternative? An aristocratic class? The truth is that Burke's alternative does not stand any close examination.

In the first place the gentleman, as a human being, cannot be trusted with the government of others without accountability. Irresponsible power corrupts and history is there to show the origin of all oligarchies and of all tyranny. An irresponsible aristocracy might become a close governing corporation, and either degenerates into an oligarchy or sell itself to the crown. And Burke himself was aware of such possibilities.

In the second place, the checks that Burke proposed to limit political power, (for he saw the necessity of checking authority) and to keep the ruling aristocracy in the right track and within reasonable bounds, are of little avail. They might be summarized in the following lines:

1. The responsibility of the governing class to what is above-to God.
2. Their sense of honour.
3. Public opinion as expressed through the written and the spoken word.

The first among the proposed checks is not practically effective. It assumes that the governing class do believe in the existence of God, that they know his will, that they interpret it rightly, and that they have virtue enough to behave accordingly. Four assumptions of doubtful validity.

The second is very well if every aristocrat or if the majority of them have chivalrous honour, and if they live up to a noble tradition of duty and service. Burke knew perfectly well that the English aristocracy was not as he thought it ought to be, and he could not hide his anxiety as to the shortcomings of fellow-members of parliament. In both, the first and the second check, Burke ignores human nature. If public duty comes into conflict with self-interest, is there any guarantee that the private sense of honour would make the first prevail? Besides, is it ever difficult for a gentleman to identify his interest with the public good and to convince himself that in following the first he is contributing to the general interest? Or rationalism is not among the vices of a gentleman!

The third appears to be a real check on the governing class. It is so indeed when properly expressed and when it is ascertained by fixed rules and through recognized channels. In Burke's hands, however, it was a vague force, a sort of ambiguous, ill-defined pressure. For Burke does not wish to see the favour of the public recorded or measured by a majority. He does not allow opinion to have an organ by means of which it can make, support or destroy the government. When public opinion finds no legal channel to express itself and through which to translate its desires and needs into measures, it follows of necessity the illegal way. The result would be a revolution, the contingency that Burke would do anything to prevent.

Burke was wise enough to observe that the governing class must be held responsible to some authority and must be rendered accountable to it. But responsibility to what is above or responsibility to what is within belongs to the sphere of morality; it leaves the governing class practically with no real check, and does not protect the commonwealth from the abuse of power. The only real positive guarantee is to have the government responsible to what is below - to the people at large. Responsibility in the legal, political sense acquires a substantial meaning and is capable of measurement. It can be scientifically determined by applying the principle of majority will.

Having patiently followed the detailed arguments of Burke and Jefferson on the question of government, I propose now to conclude with the ensuing remarks:

1. Both Burke and Jefferson believed in the government of the best; but while Jefferson wanted aristocratic rulers democratically chosen - a principle which does not exclude the virtuous and the talented among the well-born, Burke left their selection to be made on a basis of birth and wealth - a criterion which does not separate the genuine from the pseudo-aristocracy, and which leaves the larger portion of the available talents outside the constitution.
2. Jefferson not only loved the people and trusted them, but appreciated also the role they would play in public life; whereas Burke failed to appreciate and to foresee their invincible power in politics, and failed also to realize that the only way of preventing a democratic revolution is by introducing the people into the constitution, that is to say by reducing revolution to a system and by giving it legal forms.
3. Burke ignored the fact that a body politic, divided into a rich ruling class and a poor ruled class, will always develop a government manipulated by the rich to protect their property and their privileges.
4. He was also blind to the possibilities of education which could go a long way towards removing many of the obstacles that hinder the progress of democratic government, and to the remarkable results that self-government could produce in the way of political experience and social consciousness.
5. Burke overlooked the fact that a natural aristocracy could be maintained in a democratic state as well. The history of England in this and the last centuries is there to show that the widening of the franchise to include every normal adult has not destroyed aristocracy. It has, on the contrary, strengthened it by rendering it more democratic. For the open door to talents and the admission of competitive, energetic new comers, force the old aristocratic families to live up to such a standard of efficiency and honesty as to be able to survive the struggle, to secure their exalted position and to justify their existence as a privileged class.

Democracy, moreover, is no negation of aristocracy, and the representative system of modern democracies is essentially aristocratic. It calls for the selection of a small body of men who have stood out in some way above the rest and who are generally regarded as more fit than the average to attend to public affairs. Western Democracy in general and Jeffersonian Democracy in particular are genuinely aristocratic; they provide for the inevitable recruitment of a ruling class from the whole community in a manner which makes it probable that, on the whole, the right members shall be recruited.

6. Burke's emphasis on the role of the aristocratic class might give rise to the idea that the people are an object for government to play upon; that they exist for the rulers to exercise on them their arts of statesmanship and to develop their personalities. Better is Jefferson's view which regarded the rulers as the honoured servants of the people, for it helps to keep the rulers and the ruled aware of the true end of all government - the welfare and happiness of the people.

7. Burke, however, comprehended fully, more than Jefferson and perhaps more than any other political thinker ever did, the genius of a hereditary nobility, its ability to carry forward the great national traditions of statesmanship, and its principles of honour, duty and public service. One cannot help the impression that Jefferson's aristocracy of learning and uprightness is more of a rude intelligentsia than of a genuine, high-spirited aristocracy. For it lacks the decorum, the manners, the pride and all that go to form the spirit of a gentleman. Yet Jefferson was too aristocratic in character and in bodily discipline not to appreciate the refinement and the culture of an aristocratic society. There is the unforgettable story of his rebuking his grandson for not returning the bow of a negro - "a better gentleman than you are."

In fact there was a tacit admission in Jefferson's mind that wealth and birth do add to the splendor of talent and to the dignity of virtue, but his attention and his highest efforts were directed, naturally, to save the talents born and usually buried in obscurity. I think I am right in claiming that Jefferson would not have objected to the following proposition: The best possible way for recruiting a governing class in an imperfect world like ours, is to recognize two kinds of aristocracy:

1. A hereditary nobility continuing and perpetuating traditions of statesmanship, bringing forward worthy individuals of political ability and moral excellence.

2. An intellectual élite drawn from all possible sources and providing the state with drive, vigor and energy.

And the well informed citizen is to select from among these two categories the best to rule.

That is reasonable democracy,
That is true aristocracy,
It is democratic aristocracy.

CHAPTER IV
REVOLUTION AND CHANGE

One could write a complete thesis or a whole book on this subject or on a more limited sphere such as, Burke and Jefferson, and the American Revolution; or Burke and Jefferson, and the French Revolution. But as we have chosen, rightly or wrongly, to make an extensive study of the two political philosophers rather than an intensive study, we can only deal briefly with the problem of revolution and the question of change in the limited space and the short time at our disposal.

We have seen in the first book of the present work that Burke was not totally blind to the necessity of change and to the need of constant adaptation of old institutions to new demands. He admitted in his Reflections on the French Revolution that "a state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve".¹ But change with Burke was not the rule; it was the exception. He allowed change only in cases of extreme necessity and with many qualifications.

In the first place, the change must be limited to the deficient part only, leaving the other parts of the old constitution unimpaired. "The change", he wrote, "is to be confined to the peccant part only; to the part which produced the necessary deviation; and even then it is to be effected without a decomposition of the whole civil and political mass, for the purposes of originating a new civil order out of the first elements of society."²

In the second place, changes should be gradual. Evolutionary progress, Burke thought, prevents the 'sore evil of harsh, crude, unqualified reformations'. It keeps the integrity of the social fabric as a whole, and preserves the chain of continuity of the commonwealth. "Our patience," wrote Burke in the Reflections, "will achieve more than our force...By a slow but well-sustained progress, the effect of each step is watched; the good or ill success of the first gives light to us in the second; and so, from light to light, we are conducted with safety through the whole series...."³

In the third place, changes must proceed upon the principle of reference to antiquity. Burke prided himself upon the fact that the English, at the period of the Revolution,

wished to derive all good in government as an inheritance from their forefathers and that they took care not to inoculate any scion alien to the nature of the original stock of inheritance. He hoped too that all those reformation "which possibly may be made hereafter, will be carefully formed upon analogical precedent, authority and example." 4

In spite of all these reservations Burke did not exclude the possibility of revolution. He was, however, careful to distinguish between two types of revolution;

1- Organic Revolution, namely a revolution which destroys everything, which proposes to make a tabula rasa of all existing organization, and which tries to construct society anew on purely a priori grounds. Such was the French Revolution of 1789, which Burke considered as the most important of all revolutions - 'a revolution in sentiments, manners, and moral opinions'.

2- Ordinary Revolution, namely a revolution which is limited to the form of government or which is mere resistance to an oppressive regime. And here again Burke distinguished between a legal revolution which tries to assert an old principle, and an illegal revolution which is a resort to anarchy called for by supreme necessity. The Revolution of 1688 was of the first kind. It was conservative and corrective and it ensured the continuity of English political tradition. The American Revolution was of the second type; it was defensive and had reasonable demands.

Burke, therefore, would allow in extreme cases a rebellion - an ordinary revolution. But there was no place in his system for organic revolution. Organic change is against the method of nature, against the moral order, against the will of God.

Jefferson made no such distinctions between a revolution in government and a revolution in manners, sentiments and moral opinions. His was the simple, naive conception of revolution as a way of asserting the spirit of freedom in the people, and a way of changing an oppressive government. Yet his semi-anarchical theory of politics does not give a true picture of his attitude as a statesman. The radical political thinker was a moderate reformer who would keep as much as possible of the good old fabric. He was not one of those theorists who first think of destroying the old order of things in order to build anew. There is enough evidence to prove that Jefferson advised the French revolutionaries to try first of all to make a compromise with the King and the aristocracy. After the serment of Jeu de Paume, the séance royale of June 23 and the refusal of the Tiers Etat to deliberate separately, Jefferson wrote to Jay on the 24th of June, 1789 saying, "Instead of being dismayed with what has passed, they seem to rise in their demands, and some of them consider the erasing of every vestige of a difference of order as indispensable to the establishment and preservation of a good constitution. I apprehend there is more courage than calculation in this project." 5

Many years later he wrote, describing his compromising attitude and the moderating influence which, in the first days of the Revolution, he attempted to exert upon his friends in France; "I considered a successful reformation of government in France as insuring a general reformation through Europe, and the resurrection to a new life of their people now ground to dust by the abuses of the governing powers. I was much acquainted with the leading patriots of the Assembly. Being from a country which had successfully passed through a similar reformation they were disposed to my acquaintance and had some confidence in me. I urged most strenuously an immediate compromise; to secure what the government was now ready to yield, and trust to future occasions for what might still be wanting." 6

What, then, makes us think that Jefferson was a radical reformer and that Burke was an extreme conservative? The fundamental theoretical differences might be summarized in the following lines:

1- Burke's standard was in the past, hence his static, aristocratic form of government; whereas Jefferson's ideal was in the future. His system of government had to be, therefore, a system of experimental democracy.

2- To Burke the basis for right conduct was uniform experience, and experience much wider than that of the individual; while to Jefferson the basis for right conduct was reason, individual reason.

3- It follows that Jefferson made the will of the people the ultimate rule of decision. While Burke found interest in keeping things in their present state, dreaded reformation, and exerted all his faculties to maintain the ascendancy of habit over the mandates of reason; Jefferson advocated that the will of the people should make constitutions, modify or abrogate them, and should bring about the necessary changes, legally if possible, or else through violence and outside the bounds of legality.

There is no doubt that Burke was right in declaring that old institutions, habits and traditions cannot be uprooted without the risk, perhaps the certainty of disorder, and without the danger of complete destruction; that the unprincipled facility of changing the state 'as often, and as much, and in as many ways, as there are floating fancies or fashions' would break the continuity of the commonwealth so that no one generation could link with the other; and that the chaos of a revolution could lead to dictatorship and to tyranny. But one cannot deny that Burke was too historical and that he carried his veneration for old establishments too far. Such a thinker and a statesman, with his face set toward the past, is not well fitted to deal with new social and political conditions which demand experiments.

Jefferson had a fuller grasp of the meaning of progress. He was aware also of the fact that existing institutions were not perfect and, therefore, no one should venture to make them unchangeable. He agreed with Condorcet that man's mind is

perfectible to a degree of which we cannot as yet form any conception; and this philosophy of human perfectibility gave him an optimism which strengthened his faith in the possibilities of the future. "We should be far from the persuasion that man is fixed by the law of his nature at a given point, that his improvement is a chimera and the hope delusive of making himself wiser, happier, or better than our forefathers were....as well might it be urged that the wild and uncultivated tree hitherto yielding sour and bitter fruit only, can never be made to yield better..... It cannot be but each generation must advance the knowledge and well-being of mankind, not infinitely as some have said, but indefinitely and to a term which no man can fix and foresee." 7

But this optimism did not render Jefferson too radical a reformer. In a sense, he was the best type of a conservative statesman who realized that the surest method of preserving what is good and valuable in the existing order is to improve and to adapt the old to changing circumstances. His advice to the Federalists revealed a wisdom worthy of Burke's most distinguished disciple, Benjamin Disraeli, who excelled his master in making social reform an integral part of conservative policy. "The real friends of the Federal Constitution," wrote Thomas Jefferson, "if they wish it to be immortal, should be attentive by amendments to make it keep pace with the advance of the age in science and experience." 8 Change in Jefferson's conception, moreover, is not to be carried out in deference to abstract principles and arbitrary and general doctrines, but in deference to experience, to the manners, the customs, the laws, and the traditions of the people.

It is interesting to note how the views and theories of the two Anglo-Saxon thinkers do of themselves gravitate to a middle point, or to some point near a middle. If Burke, seems, on the whole, to make reform too difficult, while Jefferson makes change too easy, then it would be wise for us to remember that each age must have its conservatives as well as its progressives. Each age stands in need of the restraining influence of a Burke and the inspiring radicalism of a Jefferson.

In concluding his article on Jeffersonian Democracy, Prof. Charles Edward Merriam, the well-known American authority on American political thought, raises the question of Jefferson's rank as a political theorist and admits right from the beginning that the important service rendered by the Sage of Monticello was not the scientific elucidation of theory. "The doctrines he advocated," writes Prof. Merriam, "had all been discussed and developed long before his time, and he did not improve much on the classic analysis of Aristotle, the reasoning of Locke, or the brilliant logic of Rousseau. He cannot be classed as one of the great political thinkers. He did not inquire deeply into the nature of the state, its forms of organization, or any of the numerous problems arising out of the complex relations of political association. He did not write systematically at

all, and what he did write was notable rather because of its rhetoric than because of its scientific depth or clearness. Tested by the canons of the schools, Jefferson falls far short of the stature of a great political philosopher."⁹

What, then, is the basis of Jefferson's fame and the secret of his influence on the development of American democracy? Prof. Merriam gives three causes as being the source of Jefferson's power:

- 1- The unusual sagacity that made him a great party leader.
- 2- His singular gift for vivid statement of popular ideas.
- 3- His great confidence in the people that made him the great apostle of the democratic faith in his day.

Jefferson's democratic faith and his statesmanship, therefore, are the two main elements of his preeminence. For he was one of the most successful statesmen who have ever flourished; and one of the masters of political craft of all time, who could appeal to, and understand the inner working of the popular mind. In the words of Prof. Morse: "He (Jefferson) enjoyed a political vision penetrating deeper down into the inevitable movement of popular government, and further forward into the future trend of free institutions, than was possessed by any other man in public life in his day." ¹⁰

Similarly, Burke is not a great political philosopher. It is true that he contributed something to political speculation, and that he made masterful applications of the historical method. But, to use the expression of an English scholar, in so far as he (Burke) had an abstract philosophy, it was very rudimentary and was grounded in faith rather than in reason. As a politician too, he was unwise and unsuccessful; and in all the qualities, except eloquence, public affairs, he was Jefferson's inferior - in statecraft, fortitude, tact and prudence. His real contribution, however, lies in what he clearly saw and eloquently expressed. In dealing with the problems of his time, Burke succeeded often in revealing the eternal principle through the veil of the temporal event. If he failed to bequeath a systematic theory of politics, he, nevertheless, has left a treasure of political wisdom in the form of general principles and epigrammatic maxims which are true of human nature everywhere and at all time; and which each statesman applies in his own way.

At the end of this imperfect survey I venture the generalization that Burke and Jefferson are not to be studied for their political theories, because they were not mere theorists. They are to be studied rather for their practical wisdom and their profound, intimate knowledge of men and affairs. Let me repeat that Burke laid down the wisest rules of the difficult art of government, and that the life of Jefferson gave the most remarkable example of a successful and useful political career. I think that Burke's political maxims and Jefferson's political biography form together the best school in statesmanship. It is in this way of approach that Burke and Jefferson can be most useful to students of politics and to politicians in the germ.

The End

which fits a man to guide his country and direct

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5. Ibid
6. Regicide Peace P. 213
7. Ibid, P. 215
8. Thoughts on the Cause of the Present Discontents P. 157
9. Murray P. 298

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2. Reflections, P. 306
3. Hearnshaw Social and Political Ideas, P. 91 - 92
4. Appeal, P. 401
5. Reflections, P. 308
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7. Reflections, P. 283 - 4
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