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Burke, Commerce, and the Question of Virtue

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By

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The Sphinx of Political Economy:  
Burke, Commerce, and the Question of Virtue

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Did Edmund Burke actually embrace the abstract rationalism of the French Revolution? Burke is known for being the foremost critic of the Revolution, and for articulating a conservative political philosophy in opposition to it that blended a defense of the collected wisdom of the past with an ethic of prudential amelioration. Yet he firmly defended the Enlightenment's rationalist principles of market liberalism in his primary economic tract, *Thoughts and Details on Scarcity*. In this light, scholars have accused Burke of employing in his economic theory the same language of metaphysical abstractionism that he condemned Jacobins for spreading during the Revolution. The purpose of this dissertation, therefore, is to clarify the principles of Burke's philosophy of political economy and examine how they relate to his political philosophy. It will further explore whether Burke's economic theory locates a tension in mass commercial societies that anticipates modern critiques of market economies.

The seeming contradiction arising from Burke's defense of chivalric virtue in *Reflections on the Revolution in France* and his passionate endorsement of market economies in *Thoughts and Details* has been called the "Burke-Smith" problem, or what this dissertation describes as a sphinx. In Burke's judgment, a mix of traditional customs, common law, and social and religious institutions furnished the stability necessary to sustain constitutional government. Yet Burke advocated the release of economic decision-making from the hand of the state. He championed vibrant free market commercial activities for, among various reasons, promoting public prosperity, circulating scarce resources in an efficient manner, and cultivating virtue. How was Burke able to preserve his own philosophical commitment to tradition while, at the same time, endorsing Adam Smith's classical liberal economic thought?

This dissertation argues that Burke's reflections on political economy retain a consistency with his political philosophy. Burke's endorsement of markets affirms, not undermines, his aversion to abstract reason. This skepticism of rationality in political affairs informed his awareness of the complexity of private economic activity. And Burke's belief in the merit of gradual reform alerted him to the dangers of state intrusion into organically developing contractual arrangements. In addition, Burke did not apprehend an inherent tension between ethics and commerce that could not be reconciled. In his judgment, a careful integration of market dynamism and the moderating presences of traditional virtue and landed property was essential for commercial prosperity. Burke believed that markets generated great advantages but also contained inherent limits, and that the failure to recognize both realities posed a threat to civilizational order.

This dissertation by Gregory Martin Collins fulfills the dissertation requirement for the doctoral degree in Politics approved by David Walsh, Ph.D., as Director, and by Dennis J. Coyle, Ph.D., and Stephen F. Schneck, Ph.D., as Readers.

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To Rochelle

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## Chapter 1: The Sphinx of Edmund Burke's Political Economy

### a. Introduction

Although Edmund Burke's commentary on politics, aesthetics, law, and morality have attracted wide attention, his philosophy of political economy<sup>1</sup> continues to be an underexplored oasis of his thought. The first purpose of this dissertation, therefore, is to outline and critically engage Burke's economic theory. It will further explore how his philosophy of political economy relates to his political philosophy, and whether they are in harmony or conflict with each other. Doing so will help us understand the tenets and nuances of his economic doctrine. It will also allow us to more accurately locate Burke's political philosophy in the classical, medieval Christian, or Enlightenment traditions. Finally, Burke's political economy provides useful lessons for how we should think about liberal capitalist democracies today.

The quest to determine whether Burke even held a coherent "philosophy" of political economy is problematic in itself. The difficulty in interpreting Burke's thoughts on economics, and political and social issues in general, is that he did not write systematic treatises like other English political thinkers such as John Locke or Thomas Hobbes. Many of his reflections on public affairs are scattered like autumn leaves, written in different historical environments and addressed to different audiences without seemingly being bound by any organizing principle.<sup>2</sup> Burke's primary economic tract, *Thoughts and Details on Scarcity*,

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<sup>1</sup> This dissertation will use "philosophy of political economy," "economic theory," "economic doctrine," or any similar permutation, interchangeably.

<sup>2</sup> Thus Frank O'Gorman insists that Burke "was essentially a practical politician and a propagandist rather than a thinker with a systematic philosophy to expound." See O'Gorman, *Edmund Burke: His Political Philosophy* (Bloomington, IN: Indiana University Press, 1973), 11.

follows in this vein: it was originally written in an *ad hoc* fashion to a particular person and confronted a particular socioeconomic circumstance.

The question of Burke's political economy runs deeper, however. Burke is often characterized as the founder of modern conservatism, yet the contemporary association of conservatism with capitalist muscle, whether accurate or not, does not fully capture Burke's emphasis on the pre-economic foundations of markets. Conservatism is also portrayed as a defense of traditional virtue. But Burke was in many ways a liberal reformer who sought to change or eliminate ancestral laws and institutions. Thus the philosophical sphinx of Burke's economic theory can be illuminated by a simple question: how could the Burke who wrote *Reflections on the Revolution in France*, considered the authoritative Western defense of cultural traditionalism, also compose a tract called *Thoughts and Details*, in which Burke provided a full-throated endorsement of Enlightenment, market-based economic principles that were seen as uprooting longstanding social conventions?

Two brief examples from each writing illustrate this point. In his discussion in *Reflections* of England's rich constitutional heritage, Burke writes, "We have an inheritable crown; an inheritable peerage; and an house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors."<sup>3</sup> For Burke, England's tradition of medieval property laws such as primogeniture and entails preserved the strength of landed aristocracies and helped sustain the equilibrium of English constitutional government. Political stability, not commercial dynamism, was the virtue of Britain's medieval past, and manners, not profit, was its ethical cushion. Furthermore, as Burke writes in *Reflections*,

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<sup>3</sup> Paul Langford, ed., *The Writing and Speeches of Edmund Burke*, vol. VIII, *The French Revolution 1790-1794* (Oxford: Clarendon Press, 2007), VIII, 83.

“Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom.”<sup>4</sup> In Burke’s judgment, government exists not as an abstract entity floating beyond the texture of human experience, but rather is a tangible expression of it. Accordingly, citizens possess the reasonable expectation that the government will fulfill their desires. For Burke, this interaction between authority and people creates immediate social cohesion—not the distant, asocial contractual partnerships championed by French *philosophes* and English Dissenters.

In *Thoughts and Details*, however, Burke praises commercial activity with an excitement that some say<sup>5</sup> matches the intensity of his rebuke of Jacobinism in *Reflections*. “It is...the first and fundamental interest of the labourer, that the farmer should have a full incoming profit on the product of his labour,” he states in the economic tract. “...[I]f the farmer is excessively avaricious?—why so much the better...”<sup>6</sup> In this essay, Burke ennobles the acquisitive spirit of voluntary exchange and economic growth. He has nothing to say about the merits of medieval customs of inheritance, or about any possible virtues of government welfare programs for that matter. Should the state provide for human wants, as Burke suggests in *Reflections*? In *Thoughts and Details* Burke emphatically states no. “To provide for us in our necessities is not in the power of Government,” he writes.<sup>7</sup>

The versatility of these arguments, here and elsewhere in his body of economic thought, points toward several potential conclusions about the possible inconsistencies in Burke’s philosophy of political economy. The first is that he did not sufficiently recognize the tensions between the stability of landed property and the vibrancy of commercial

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<sup>4</sup> Langford, *Writings and Speeches*, VIII, 110.

<sup>5</sup> See “Secondary Interpretations of Burke’s Political Economy” below.

<sup>6</sup> Langford, *Writings and Speeches*, IX, 125-26.

<sup>7</sup> Langford, *Writings and Speeches*, IX, 120.

activity, the clash between traditional social hierarchies and the egalitarian impulses of modern democratic capitalism. The second is that he experienced a shift over time in his thinking about political economy, veering from a traditionalist defender of medieval aristocracy to a staunch supporter of libertarian economics. A third is that because Burke's writings and speeches on philosophic matters addressed specific circumstances at specific historical time periods, as noted, it is difficult to uncover consistent principles steering his political economy toward theoretical coherence.

#### **b. The Broader Philosophical Implications**

This study has a broader philosophical purpose, however, beyond tracing the specific growth and articulation of Burke's philosophy of political economy. It will also attempt to glean whether Burke's economic thought offers a novel perspective on one of the most important philosophical challenges that competitive capitalism poses to modernity: how to navigate the tension between the vibrancy of commercial society and the cultivation of a religious or virtuous ethos in a body politic.

Hannah Arendt put forth one of the clearest articulations of this problem in the twentieth century in her landmark 1958 book *The Human Condition*.<sup>8</sup> She argues that modernity has been defined by a shift from the classical ennobling of speech and political action in the public realm, the Greek *polis*, to dignifying productive and laborious activity. This transposition occurred at the expense of exercising man's higher human faculties such as rationality. In other words, the contemplative part of man's state—reason—has been replaced by his facility to use hands to produce material goods through the processes of

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<sup>8</sup> Hannah Arendt, *The Human Condition*, 2<sup>nd</sup> ed. (Chicago: University of Chicago Press, 1998).

industrialization and technological development. For Arendt, this change has dehumanized man and reduced all values to the dogma of utility and instrumentality. Aristotle's *zoon politikon*, political animal, has been overwhelmed in modernity by Arendt's *homo faber*, the man who fabricates, and ultimately by *animal laborans*, the laboring animal.

According to Arendt, the origin of the movement from *zoon politikon* to *animal laborans* can be traced back to the introduction of classical economics, as epitomized by John Locke, Adam Smith, and Karl Marx in the seventeenth and eighteenth centuries. These thinkers helped precipitate the “sudden, spectacular rise of labor from the lowest, most despised position to the highest rank, as the most esteemed of all human activities...”<sup>9</sup> Arendt posits a paradox: as man has been given more individual freedom in modernity, he also has become more socially alienated from civil society by relying on the power of technology to shape human affairs. Thus he actually has less control over his own life than when he acted as a political animal in the *polis* in classical Athens, a historical milieu with a more limited conception of individual liberty.

Arendt's argument carries immediate relevance for Burke's theory of political economy. Throughout his public career, Burke demonstrated a keen appreciation for the wisdom of classical and Christian society in Western civilization that Arendt and other critics of modernity extolled—the virtue of self-restraint, the ethic of sacrifice, and the importance of humility. Yet Burke's support in *Thoughts and Details* for market activity, the very activity that Arendt believed paved the way toward dehumanization, does not indicate that the frenzied pursuit for profit through manual labor may lead to such dehumanization.

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<sup>9</sup> Arendt, *Human Condition*, 101.



Therefore, in light of twentieth-century Arendtian critiques of industrialization and commercialization, the deeper philosophical implications of Burke's economic doctrine will be addressed throughout this dissertation: does Burke recognize the possibility that work and labor might descend toward a process of dehumanization? Is there an irreconcilable conflict between traditional virtue and commercial vitality, tectonic plates of diametric human experiences grinding up against each other? How can one defend prescriptive customs, as Burke did, while advocating new rights to capitalist accumulation? How can one emphasize the indispensability of manners in human conduct while recognizing, indeed lauding, the spirit of acquisitiveness?

### **c. Secondary Interpretations of Burke**

Understanding the character of Burke's philosophy of political economy first requires an awareness of secondary interpretations of his broader political theory. This is because Burke himself understood economic activity to operate within wider political, social, and cultural contexts, and because scholars have exerted a profound influence in shaping the public perception of Burke as a cultural traditionalist. If this portrait is true, it heightens the urgency of elucidating Burke's thought on commercial dynamism. Doing so will help determine whether his economic philosophy deviates from the traditionalist interpretation or any other secondary assessments of his philosophy.

Although Burke is often cited today as the progenitor of modern conservatism, his reputation as a conservative in the nineteenth century, particularly among English Conservatives, was lukewarm at best.<sup>10</sup> Well into the twentieth century, Tory Historian Lord

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<sup>10</sup> See J.J. Sack, "The Memory of Burke and the Memory of Pitt: English Conservatism Confronts Its Past," *The Historical Journal* 30 (1987): 623-640. See also

Robert Blake's influential examination of the history of the English Conservative party spanning from Benjamin Disraeli to Margaret Thatcher largely overlooks Burke's contribution to the development of English Conservatism.<sup>11</sup> Robert Eccleshall's *English Conservatism Since the Restoration*, does feature Burke, however.<sup>12</sup> From a historical point of view, the slippery nature of Burke's political identity in conservative circles comes as little surprise for the plain reason that Burke was a leading member of Britain's Whig Party, not Tory Party, in the latter half of the eighteenth century.

The first theoretical attempt to locate Burke in a particular philosophical tradition, Henry Thomas Buckle's *History of Civilization in England*, characterized his thought as a blend of utilitarianism and positivism. Published in two volumes in 1857 and 1861, *History of Civilization* described Burke as rejecting the "validity of general principles in politics" and "made his opinions subservient to the march of events."<sup>13</sup> Buckle's positivist-utilitarianism approach rested on his judgment that Burke, as a legislator, was guided by "the wishes of the people" and not "his own principles,"<sup>14</sup> suggesting Burke's statesmanship was popular and democratic. Burke's political conduct was shaped not by "traditions and principles" but by "large views of general expediency."<sup>15</sup> John Morley<sup>16</sup> and Leslie Stephen<sup>17</sup> carried along this

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Emily Jones, "Conservatism, Edmund Burke, and the Invention of a Political Tradition, c. 1885-1914," *The Historical Journal* 58 (2015): 1115-1139.

<sup>11</sup> Robert Blake, *The Conservative Party from Peel to Major* (London: Faber & Faber, 2012).

<sup>12</sup> Robert Eccleshall, *English Conservatism Since the Restoration: An Introduction and Anthology* (London: Unwin Hyman, 1990).

<sup>13</sup> Henry Thomas Buckle, *History of Civilization in England*, vol. I (London: John W. Parker and Son, 1857), 418.

<sup>14</sup> Buckle, *History of Civilization*, 417.

<sup>15</sup> Buckle, *History of Civilization*, 422.

<sup>16</sup> John Morley, *Burke* (London: Macmillan and Co., 1879).

<sup>17</sup> Leslie Stephen, *History of English Political Thought in the Eighteenth Century*, vol. II (London: Smith, Elder, & Co., 1876).

general interpretation of Burke later in nineteenth-century Victorian England, with a slightly sharper accent on his historical consciousness and empiricism. For instance, Morley described Burke's thought as "utilitarian liberalism" and "historic conservatism."<sup>18</sup>

The conception of Burke as an orthodox conservative did not emerge until early in the twentieth century, when authors started to give Burke an intelligible philosophical identity. Hugh Cecil's *Conservatism*, published in 1912, is emblematic of this approach.<sup>19</sup> Cecil asserts, "...[I]n Burke Conservatism found its first and perhaps its greatest teacher, who poured forth with extraordinary rhetorical power the language of an anti-revolutionary faith..."<sup>20</sup> Cecil, writing at a time when Britain's Conservative Party had lost three straight elections, suggested that the specter of socialism in England was a dangerous echo of the French Revolution's rationalist excesses illuminated by Burke.<sup>21</sup> "...[T]here is in the socialist movement, or at least there appears to be to Conservative eyes," Cecil writes, "an element of Jacobinism which is the true antagonist Conservatives have for more than a hundred years opposed."<sup>22</sup> In an insight that holds serious implications for how we understand Burke's political economy, Cecil underscores that traditional English Conservatism was sympathetic

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<sup>18</sup> Morley, *Burke*, 215.

<sup>19</sup> Lord Hugh Cecil, *Conservatism* (London: Williams & Norgate, 1912). See also F.E. Smith, ed., *Toryism: Illustrated by Extracts from Representative Speeches and Writings* (London: Harper and Brothers, 1903), xlviii ("...[Burke's] writings and speeches have inspired almost all that is noblest in the Toryism of later days..."); and Geoffrey Butler, *The Tory Tradition: Bolingbroke, Burke, Disraeli, Salisbury* (London: 1914).

<sup>20</sup> Cecil, *Conservatism*, 40.

<sup>21</sup> Note that Buckle also contrasts Burke with the radicalism of the French Revolution, although not necessarily in a favorable light. See Buckle, *History of Civilization*, 424-32.

<sup>22</sup> Cecil, *Conservatism*, 248.

to tariff protectionism because it served to strengthen the authority and imperial character of the British Empire.<sup>23</sup>

The depiction of Burke as a defender of tradition, prejudice, and custom against French Jacobin ideology has endured as the predominant interpretation of Burke through the twentieth and twenty-first centuries, and has spanned scholars across the ideological spectrum. Irving Babbitt, Robert Nisbet, Russell Kirk, and Claes Ryn are among the conservative thinkers to propound this view. “Burke...is the prophet of conservatism,” Nisbet writes.<sup>24</sup> In his description of Burke’s defense of prejudice, Nisbet states that “[p]rejudice has its own intrinsic wisdom, one that is anterior to intellect.”<sup>25</sup> Alfred Cobban, a defender of the Enlightenment but critic of Marxist historiography of the French Revolution, remarks that Burke assailed the Revolution as a “revolt against the established order of ideas and institutions.”<sup>26</sup> More recently, liberal professor Corey Robin has identified Burke as the trigger of the conservative “reactionary mind.”<sup>27</sup>

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<sup>23</sup> Cecil, *Conservatism*, 193. “Tariff Reform is primarily an expression of the imperialist side of Conservatism.” More so, reform “appeals to the Tory element in conservatism as being an attempt to regulate by the hand of authority the uncertainties of trade, and to substitute stability and order in the region of commerce for the apparently unsatisfactory effects of unbridled competition.” Tariff reform and free trade were the defining issues in Britain’s parliamentary elections in 1906. The question of tariff reform divided Conservatives during the election, and ultimately contributed to their electoral defeat by the Liberals. See Douglas A. Irwin, “The Political Economy of Free Trade: Voting in the British General Election of 1906,” *The Journal of Law & Economics* 37 (1994): 75-108.

<sup>24</sup> Robert Nisbet, *Conservatism: Dream and Reality* (New Brunswick, NJ: Transaction Publishers, 2008), 18.

<sup>25</sup> Nisbet, *Dream and Reality*, 45.

<sup>26</sup> Alfred Cobban, *Edmund Burke and the Revolt Against the Eighteenth Century* (London: George Allen & Unwin Ltd., 1960), 122.

<sup>27</sup> Corey Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin* (Oxford: Oxford University Press, 2011).

All of these interpretations tend to pit Burke's traditionalism against the rationalist exuberances of Jean-Jacques Rousseau, whom Burke identified as the chief intellectual inspiration behind the French Revolution.<sup>28</sup> Babbitt distilled this understanding early in the twentieth century in *Rousseau and Romanticism*<sup>29</sup> and *Democracy and the Leadership*.<sup>30</sup> Yuval Levin's *The Great Debate* is one of the most recent attempts to highlight the dichotomy between Burke's creed of prescription and the rationalism of the French Revolution, as captured in the thought of Thomas Paine.<sup>31</sup>

Most famously, Russell Kirk reinforced and deepened the theme of Burke's conservative in *The Conservative Mind*. Kirk argued that modern conservatism emerged from a rich intellectual tradition, and that Burke served as its principal source and clearest expositor of its central tenets. "Conscious conservatism, in the modern sense, did not manifest itself until 1790, with the publication of *Reflections on the Revolution in France*," Kirk writes.<sup>32</sup> Kirk portrayed Burke as a resolute advocate of prescription, prejudice, and a moral order. "His reverence of the wisdom of our ancestors, through which works the design of Providence," Kirk writes of Burke, "is the first principle of all consistent conservative thought."<sup>33</sup> Appeals to the haze of abstract rights were meaningless unless filled with the concrete of historical

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<sup>28</sup> In *Letter to a Member of the National Assembly* (1791), Burke described the radical members of the National Assembly, the Revolution's legislative body, in the following way: "In truth, they all resemble [Rousseau]. His blood they transfuse into their minds and into their manners. Him they study; him they meditate...Rousseau is their canon of holy writ..." Langford, *Writings and Speeches*, VIII, 312.

<sup>29</sup> Irving Babbitt, *Rousseau and Romanticism* (New Brunswick, NJ: Transaction Publishers, 2009).

<sup>30</sup> Irving Babbitt, *Democracy and Leadership* (Indianapolis: Liberty Fund, 1979).

<sup>31</sup> Yuval Levin, *The Great Debate: Edmund Burke, Thomas Paine, and the Birth of Right and Left* (New York: Basic Books, 2014).

<sup>32</sup> Russell Kirk, *The Conservative Mind: From Burke to Eliot* (Washington, DC: Regnery Publishing, Inc., 2001), 6.

<sup>33</sup> Kirk, *Conservative Mind*, 65.

circumstance and particularity. Note that Kirk's traditionalist reading of Burke is in conflict with Buckle's interpretation, as outlined above, which explicitly rejected the notion that Burke was a man of tradition and principle. Nevertheless, Kirk's portrayal remains the quintessence of the orthodox assessment of Burke.

Other interpretations surfaced in post-World War II America. Peter Stanlis, for example, famously introduced the interpretation of Burke as a natural law thinker in his 1958 book *Edmund Burke and the Natural Law*. Burke's political philosophy, Stanlis wrote, "cannot be truly understood without reference to classical and Scholastic Natural Law."<sup>34</sup> Stanlis attempted to refute the positivist interpretations of Burke, embodied in the writings of Stephen and Morley, and set forth a way of understanding him that illustrated the moral origins of his political philosophy.

Although Stanlis's natural law thesis remains controversial, it did signal that post-World War II scholarship on Burke, at least in America, was becoming more attentive to the currents of his thinking that extended beyond the traditionalist interpretation. Newer perspectives have continued this trend by emphasizing Burke's openness to change and reform in the Whig tradition, as exemplified by James Conniff's 1994 book *The Useful Cobbler: Edmund Burke and the Politics of Progress*. Conniff links Burke's conception of reform with his political party. "...Burke's appeal lies in his Whiggism," Conniff writes. "...Burke sought to reconcile a generally conservative outlook with an acceptance of the need for change through reform."<sup>35</sup> Richard Bourke, in his 2015 book *Empire & Revolution: The Political*

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<sup>34</sup> Peter Stanlis, *Edmund Burke and the Natural Law* (New Brunswick, NJ: Transaction Publishers, Inc., 2009), 4.

<sup>35</sup> James Conniff, *The Useful Cobbler: Edmund Burke and the Politics of Progress* (Albany: State University of New York, 1994), 3.

*Life of Edmund Burke*, writes that Burke was “fundamentally a political advocate whose ultimate objective was persuasion.”<sup>36</sup>

These secondary interpretations of Burke’s thought overlap to some extent. The traditionalist view of Burke, for instance, can accommodate Burke’s support for political reform and natural law without major difficulty. At times Burke’s scholarship trends toward debating the *extent* of his support for ideas such as tradition and reform, rather than questioning his embrace of them in the first place. The important point for the purposes of this dissertation, however, is to keep in mind whether Burke’s theory of political economy can be placed neatly into one of these secondary interpretations, or whether his economic thought diverges so sharply from them that a new conception of Burke’s political philosophy—one that takes into account the theoretical implications of his economic thought—needs to be formulated.

#### **d. Secondary Interpretations of Burke’s Political Economy**

Burke’s specific philosophy of political economy, to the extent that it has been addressed by scholars, has also attracted a range of interpretations. These tend to situate his economic theory within a historical framework such as aristocratic Whiggism or a philosophical perspective such as classical liberalism. Although the variety of secondary interpretations sheds light on the difficulty in tracing consistency in Burke’s scattered commentary on economics, it provides a starting point for this dissertation’s assessment of his political economy.

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<sup>36</sup> Richard Bourke, *Empire & Revolution: The Political Life of Edmund Burke* (Princeton: Princeton University Press, 2015), 2.

Francis Canavan has published the only book to date, *The Political Economy of Edmund Burke: The Role of Property in His Thought*,<sup>37</sup> that focuses primarily on Burke's understanding of the relationship between politics and economics. Canavan frames Burke's political economy as the embodiment of paternalistic Whiggism: landed aristocrats held a solemn duty to be virtuous stewards of landed property. "In Burke's eyes," Canavan writes, "Whiggism stood for the power of property in the hands of a landholding Whig aristocracy as the necessary check both on efforts to expand the power of the Crown and on proposals to increase the power of the people th[r]ough parliamentary reform and extension of the franchise."<sup>38</sup> For Canavan, Burke's economic theory relates to his political philosophy because the landed gentry stood as a pillar of constancy between monarchical excesses and mass egalitarianism, thereby preserving social stability and constitutional liberty.<sup>39</sup>

*The Political Economy of Edmund Burke's* focus on Burke's embrace of landed property, however, left less room to discuss Burke's beliefs on commercial prosperity, supply and demand laws, middlemen, and a host of other economic subjects. The book characterizes *Thoughts and Details* as a defense of market-based economies and limited government,<sup>40</sup> but it does not elaborate on these conclusions in great depth.

J.G.A. Pocock also depicts Burke's political economy in the context of the French Revolution as traditional Whiggism, which, in Pocock's view, did accommodate commercial progress. He argues that "...Burke was a defender of Whig aristocratic government" and

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<sup>37</sup> Francis Canavan, *The Political Economy of Edmund Burke: The Role of Property in His Thought* (New York: Fordham University Press, 1995).

<sup>38</sup> Canavan, *Political Economy of Edmund Burke*, 98.

<sup>39</sup> See Canavan, *Political Economy of Edmund Burke*, 97-115.

<sup>40</sup> "...[H]is bias against state action to relieve the poor, and in favor of relief by private charity is obvious and undeniable." Canavan, *Political Economy of Edmund Burke*, 140.



that “Whig government was identified with the growth of commercial society...”<sup>41</sup> Thus, Pocock continues, “...Burke saw the Revolution as a challenge to the Whig order, arising within the conditions that order made possible...”<sup>42</sup> Pocock draws attention to Burke’s stress on ethical conduct in commercial societies that provide a moral structure for market activity. In quoting Burke’s assertion in *Reflections* that “commerce, and trade, and manufacture” have become the “gods of our oeconomical politicians,” Pocock writes, “Burke is asserting that commerce is dependent upon manners, and not the other way round; a civilized society is the prerequisite of exchange relations, and the latter alone cannot create the former.”<sup>43</sup> In short, Canavan and Pocock represent the tendency in scholarship on Burke’s political economy to place it comfortably within the conventional Whig tradition.

The second pattern in secondary interpretations of Burke’s economic theory is to highlight his embrace of market capitalism, a doctrine articulated most forcefully by Burke in *Thoughts and Details*. The writings of Frank Petrella, C.B. Macpherson, and Isaac Kramnick express this view. Petrella argues that Burke was a “conservative classical economic thinker”<sup>44</sup> who supported the economic tenets of classical liberalism, defined by competitive markets, supply and demand laws, and free trade. Petrella also notes that one can reconcile Burke’s conservatism with his endorsement of market capitalism because he championed an ethic of incremental reform, which conserved the institutions and customs that sustained

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<sup>41</sup> J.G.A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985), 194.

<sup>42</sup> Pocock, *Virtue, Commerce, and History*, 194.

<sup>43</sup> Pocock, *Virtue, Commerce, and History*, 199.

<sup>44</sup> Frank Petrella, “Edmund Burke and Classical Economics” (PhD diss., Notre Dame, 1961), 5. See also Petrella, “Edmund Burke: A Liberal Practitioner of Political Economy,” *Modern Age* 8 (1963-64): 52-60.

economic order in the first place.<sup>45</sup> He does not, however, elaborate on the primacy of the role of landed property in Burke's thought, as Canavan does.

Macpherson characterizes Burke as a firm advocate for free market economics. "Burke's preference in the matter of commercial policy was always for free trade," Macpherson writes, while also noting that Burke at times would violate this principle for considerations of national defense and strategy.<sup>46</sup> "[A]bout the virtue of *laissez-faire* at home Burke had no doubt," Macpherson continues. "A competitive, self-regulating market economy was the ideal"<sup>47</sup> for Burke. More so, a vital part of Burke's political economy was "capitalist accumulation."<sup>48</sup> Similarly, Kramnick portrays Burke's economic theory as "basic bourgeoisie principles of a *laissez-faire* state and economic order."<sup>49</sup> He locates a tension in Burke's thought that struggled to balance a defense of the established order with his advocacy for capitalist accumulation.

Macpherson makes an additional argument that relates to the question of whether Burke was an authentic advocate of traditionalism. He posits that Burke, in endorsing market competition in the late eighteenth century, was defending a *traditional*, not novel, socioeconomic order that had pivoted away from feudalism by the middle of the seventeenth century. "The property law and the political institutions needed for full capitalist development were well in place when they were confirmed by the Whig Revolution of 1689," Macpherson writes. Therefore, "...by Burke's time the capitalist order *had in fact been*

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<sup>45</sup> Petrella, "Edmund Burke and Classical Economics," 130-34.

<sup>46</sup> C.B. Macpherson, *Burke* (Oxford: Oxford University Press, 1990), 53.

<sup>47</sup> Macpherson, *Burke*, 53.

<sup>48</sup> Macpherson, *Burke*, 61.

<sup>49</sup> Isaac Kramnick, *The Rage of Edmund Burke: Portrait of An Ambivalent Conservative* (New York: Basic Books, 1977), 158.

the traditional order in England for a whole century.”<sup>50</sup> If this is indeed the case, then secondary interpretations of Burke’s traditionalism would have to recognize his embrace of liberal markets as consistent with his broader political philosophy. It would also immunize Burke from Kramnick’s charge that he strained to support both market capitalism and established order.

Gertrude Himmelfarb, who disputes Macpherson’s argument,<sup>51</sup> goes so far as to argue that Burke stretched and twisted the free market principles of Adam Smith further than Smith had.<sup>52</sup> She accuses Burke’s economic theory of dipping into the same sea of abstract rationalism that French Jacobins had during the French Revolution. Burke’s tendency to make theoretical distinctions in *Thoughts and Details*, she writes, “was to indulge in precisely the kind of abstractions he deplored on the part of the *philosophes*.”<sup>53</sup> Rod Preece interprets Burke’s economic theory in a similar fashion. “What differentiates the *Thoughts and Details on Scarcity* from Burke’s other major works,” he writes, “is the failure to emphasize the primacy of circumstance, the dangers of generalization, the values of prudence...”<sup>54</sup>

Michael L. Frazer has echoed this interpretation most recently. In his commentary on the overlapping perspectives from Burke and Smith regarding the dangers of abstract political systems, Frazer writes that “[h]ad Smith lived to see Burke’s overheated economic essay, the prudent Scottish philosopher might have repeated the warning he gave [James]

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<sup>50</sup> Macpherson, *Burke*, 63.

<sup>51</sup> Gertrude Himmelfarb, *The Idea of Poverty: England in the Early Industrial Age* (New York: Vintage Books, 1985), 73.

<sup>52</sup> Himmelfarb, *The Idea of Poverty*, 69. “It is interesting that Burke should have gone so far beyond Smith in so many respects...”

<sup>53</sup> Himmelfarb, *Idea of Poverty*, 71.

<sup>54</sup> Rod Preece, “The Political Economy of Edmund Burke,” *Modern Age* 24 (1980): 268.

Boswell against acting upon system.”<sup>55</sup> Furthermore, “Burke here [in *TDS*] calls for the implementation of free market policies with dogmatic zeal, regardless of the consequences, equating the laws of the market with the commands of God.”<sup>56</sup>

There remain other interpretations that paint Burke’s political economy as an expression of practical statesmanship, ensuring that commercial activity tilted neither too far in the direction of free markets nor too close to the permanent grasp of government planners. For example, Preece disputes the idea that Burke was a *laissez faire* economic liberal and instead describes his economic theory as “discriminatory intervention.”<sup>57</sup> Conniff adopts this perspective. He argues that the *laissez faire* passions in *Thoughts and Details* are leavened by his focus on prudence and advocacy for government intervention in the British slave trade.<sup>58</sup> Nobuhiko Nakazawa suggests that the core of Burke’s political economy was a nuanced conception of public finance, not the axiomatic dogma of free markets.<sup>59</sup>

In sum, many secondary interpretations of Burke’s philosophy of political economy can be placed in the categories of traditional Whiggism, free market liberalism, or prudential statesmanship. These three categories overlap to a certain extent on the subject of commercial activity. Yet there remained essential differences within each interpretation concerning the role of commerce, aristocracy, and middlemen, among various topics of political economy, that warrant further exploration when discussing Burke’s economic theory.

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<sup>55</sup> Michael L. Frazer, “Seduced by System: Edmund Burke’s Aesthetic Embrace of Adam Smith’s Philosophy,” *Intellectual History Review* 25 (2015): 368.

<sup>56</sup> Frazer, “Seduced by System,” 358.

<sup>57</sup> Rod Preece, “Political Economy of Edmund Burke,” 273.

<sup>58</sup> Conniff, *Useful Cobbler*, 113-36. See also Conniff, “Burke on Political Economy: The Nature and Extent of State Authority,” *Review of Politics* 49 (1987): 490-514.

<sup>59</sup> Nobuhiko Nakazawa, “The Political Economy of Edmund Burke,” *Modern Age* 52 (2010): 285-92.

More important, these interpretations have struggled to answer the central question animating this dissertation: how could the Burke who wrote a potent defense of traditionalism in *Reflections* also argue vigorously for vibrant commercial activity? Cobban was one of the first twentieth-century scholars to draw attention to this possible contradiction. He writes that Burke's economic ideas were "utterly alien"<sup>60</sup> from his political ideas. Burke discussed property "as though it were one of those abstract rights he is elsewhere so fond of abusing,"<sup>61</sup> even though, Cobban adds, Burke was not convinced by Lockean justifications for property rights. Judith N. Shklar represents the view that Burke's economic theory and political theory cannot be reconciled. "Burke was one of the first social theorists to base his economic and political ideas on entirely opposed principles," Shklar states.<sup>62</sup> "...It is difficult to believe that the *Thoughts on Scarcity* were written by the same man who wrote the *Appeal from the New to the Old Whigs*." (The latter was Burke's writing defending the seeming consistency in his positions on the French and American revolutions, and his commitment to Whig principles in general.) Kramnick, Preece, and Frazer adopt this air of skepticism about any possible harmony in Burke's political philosophy and economic thought. These perspectives, then, bring to light the sphinx of Burke's philosophy of political economy.

The question of reconciling commerce with traditional virtue is not superficial, either in Burke's day or today. Many of the celebrated European thinkers in the seventeenth, eighteenth, and nineteenth centuries in support of dynamic commercial activity held religious convictions that pivoted away from traditional Christian orthodoxy and advocated for a liberal separation of church and state. These thinkers included Thomas Hobbes, John Locke,

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<sup>60</sup> Cobban, *Edmund Burke and the Revolt Against the Eighteenth Century*, 196.

<sup>61</sup> Cobban, *Edmund Burke and the Revolt Against the Eighteenth Century*, 193.

<sup>62</sup> Judith N. Shklar, *After Utopia: The Decline of Political Faith* (Princeton: Princeton University Press, 1969), 225.

Voltaire, Adam Smith, David Ricardo, and John Stuart Mill. Many leading public intellectuals and institutions today in favor of libertarian capitalism are secular.

More so, the thinkers from the seventeenth through the nineteenth centuries that tend to be placed in the conservative tradition did not embrace commercial societies with the same intensity and conviction as the philosophers above, if they did reflect on the role of market economies at all. These figures include French traditionalists François-René de Chateaubriand, Louis de Bonald and Joseph de Maistre, members of England's Tory Party, and Richard Hooker. At its most conservative level, traditional conservatives emphasized strict class distinctions, a tempering of the commercial impulses in man's nature, and a contempt for political, social, and economic egalitarianism.

Burke's thought overlapped with liberal and conservative<sup>63</sup> thinkers, but also put forth a distinctive perspective on the relationship between politics and economics. This dissertation is an attempt to unmask this perspective and come to a better understanding of how Burke grasped the relationship between politics and economics. The philosophical implications to these conclusions carry immediate relevance for contemporary debates over the role of market exchange in a political community. First, reconciling settled tradition with commercial dynamism might offer novel ways to create harmony between the two in contemporary culture. Second, it will deepen our appreciation for the Arendtian critique of modern society and make us more attentive to the virtues and flaws of market-based economies.

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<sup>63</sup> Admittedly, "liberal" and "conservative" thought did not exist before the nineteenth century.

## Chapter 2: The Philosophical and Historical Background on the Question of Political Economy

### a. The Problem Between Political Philosophy and Political Economy

To grasp the significance of Burke's economic theory, one must be aware of the philosophical problem of political economy and Burke's historical milieu. These areas will be discussed in the following two sections. In this section, the purpose of examining the uneasy relationship between philosophy and economics, as revealed in the Arendtian critique of modernity, is to provide a broad theoretical context in which to understand the tension Burke faced in assessing the relationship between commercial activity and virtue. An appreciation of the philosophical debates about commerce and virtue will help us answer two of the guiding questions posed in the introduction to this dissertation: in which particular philosophical tradition can we locate Burke's political economy, and how does Burke's economic theory relate to his political theory?

Political philosophy, as defined by Leo Strauss, is the "attempt to replace opinion about the nature of political things by knowledge of the nature of political things."<sup>64</sup> Eric Voegelin perceived the history of political thought and activity as the struggle to understand humanity's place in a transcendental order.<sup>65</sup> Although both thinkers held philosophical differences, they both understood that the role of philosophy in a political community was to diagnose distortions of the nature of things and the social order, and to recover the underlying principles that made that order accessible to man.

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<sup>64</sup> Leo Strauss, *An Introduction to Political Philosophy: Ten Essays*, ed. Hilail Gildin (Detroit: Wayne State University Press, 1989), 5.

<sup>65</sup> See Eric Voegelin, *Order and History*, vols. 1-5 (Columbia, MO: University of Missouri Press, 2000-1).

Yet the discipline of economics poses a challenge for the philosopher. While philosophy is dedicated to the study of immutable principles of human nature and transcendence, market dynamism seemingly reveals a frenzied, haphazard environment of fluxes, as expressed in commercialism, industrialization, and creative destruction. Thus the dances and bounces of economic phenomena appear to represent the antithesis of the sturdy foundation of axiomatic wisdom that political philosophy has to offer.<sup>66</sup> In addition, the essence of political philosophy is normative: it addresses good and bad political orders, virtues and vices, and morality and immorality. Meanwhile, economics, at least on the surface, projects the impression of being descriptive and value-neutral: it explains supply and demand chains, states the consequences of public policies, and employs quantitative data to reveal economic trends.

The Arendtian critique of modernity is a rearticulation of a third challenge economics poses to philosophy. According to Arendt, market activity from the perspective of the ancient Greeks was the fulfillment of our lower biological desires—a manifestation of commodious living, self-preservation, and what C.B. Macpherson later called “possessive individualism.”<sup>67</sup> In contrast, philosophy is an expression of our highest human capacities to reason, deliberate, and judge in a public setting. Hence, in addition to kindling our irrational animalistic impulses, commercial activity would diminish public virtue, social cohesion, and military valor. And if philosophy is the highest activity of man and economy the lowest, would not analyzing the latter through the former debase philosophy and elevate economy to a position that is theoretically untenable?

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<sup>66</sup> Of course, there is value in the non-axiomatic wisdom of philosophies that resist the authority of excess rationalism in directing human affairs.

<sup>67</sup> C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 2011).



This gap between economics and philosophy is one explanation why philosophers and theologians typically have frowned upon economic activity. Plato placed farmers and craftsmen on the lowest rung of his social hierarchy in his Myth of the Metals in the *Republic*, below philosopher-kings and auxiliaries.<sup>68</sup> And he stressed that the philosopher-kings should ensure that the state does not become too wealthy, since it would breed “luxury and idleness and innovation...”<sup>69</sup> Aristotle, writing in *The Politics*, did not believe craftsmen were qualified to be citizens because they did not possess the sound judgment and virtue necessary to participate in public affairs.<sup>70</sup> He avowed that the lives of the “mass of mechanics and market-fellows and hirelings as they are” are “inferior,” and “none of the work they do has the quality of virtue...”<sup>71</sup> In contrast to trading activities, the Greeks generally believed that possession of *landed* property—stable, parochial, and intimately bound with the territory of the community—was a precondition for civic virtue and political participation.<sup>72</sup>

Even the etymological origin of “economy” divulges more than it first appears: the word is derived from the ancient Greek word *oikonomia*, consisting of the Greek words, *oikos*, meaning household, and *nomos*, meaning law or custom. As Arendt explained in *Human Condition*, the Greeks thought economic activity should be confined to the household and performed by slaves, women, and domestic servants.<sup>73</sup> Household management was a form

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<sup>68</sup> Plato, *The Republic*, trans. Allan Bloom (New York: Basic Books, 1991), 94.

<sup>69</sup> Plato, *Republic*, 99. Plato also writes that the philosopher-kings should prevent the state from becoming too poor.

<sup>70</sup> Aristotle, *The Politics*, trans. T.A. Sinclair (London: Penguin Books, 1981), 184.

<sup>71</sup> Aristotle, *Politics*, 370.

<sup>72</sup> See Paul Rahe, *Republics Ancient and Modern: The Ancien Régime in Classical Greece*, vol. I (Chapel Hill, NC: The University of North Carolina Press, 1994), 47-48. See also Aristotle, *Politics*, 368-71.

<sup>73</sup> See also Benjamin Constant’s essay, “The Liberty of the Ancients Compared With That of the Moderns,” in Biancamaria Fontana, trans. and ed., *Constant: Political Writings* (Cambridge: Cambridge University Press, 1988).

of social organization that channeled domestic servants' efforts toward predetermined ends, specifically those that met the biological needs of the family members.

Modern political economy, however, is not motivated by the realization of particular goals, but rather permits individuals to pursue their happiness, including material happiness, however they define it. And economic activity—at least that which is free—is not socially organized and confined but flows liberally into the deepest crevices of human society.<sup>74</sup> In contrast to “economy,” the ancient Greek word that mostly closely resembles the concept of political economy today would probably be *chrematistike*, meaning the art of acquiring property through the money-making enterprise.<sup>75</sup> Although they did not wholly reject it, Plato and Aristotle cast a critical glare upon this expression of human activity for the types of reasons that Arendt described.

Christian theologians also have judged commercial gain and the pursuit of profit in a disapproving light. The Catholic Church in the late fourth century sought to distinguish itself from the innerworldliness of material gain by denouncing the acquisitive spirit. Ambrose of Milan, representing this perspective during the time period, wrote, “You who call yourself rich, do you not realize how poor you are...The more you possess, the more you demand...Greed is inflamed, not assuaged, by gain.”<sup>76</sup> Martin Luther condemned trade and

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<sup>74</sup> See F.A. Hayek, “The Confusion of Language in Political Thought: With Some Suggestions for Remedying It,” *The Institute of Economic Affairs*, Occasional Paper 20 (1968): 28-29 for a discussion on the differences between his conception of “economy” and the term he preferred to use to describe market order, “catallaxy.”

<sup>75</sup> See Abram N. Shulsky’s essay, “The ‘Infrastructure’ of Aristotle’s *Politics*: Aristotle on Economics and Politics,” in Carnes Lord and David K. O’Connor, eds. *Essays on the Foundations of Aristotelian Political Science* (Berkeley: University of California Press, 1991).

<sup>76</sup> Ambrose of Milan, “Sermon against Auxentius (Epistle 75A),” in Oliver O’Donovan and Joan Lockwood O’Donovan, eds., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100-1625* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1999), 76. Ambrose wrote this in the context of

usury over a millennium later. The merchant's claim to sell freely, Luther wrote, exposed the pernicious attitude that "I care nothing about my neighbor; so long as I have my profit and satisfy my greed, of what concern is it to me if it injures my neighbor in ten ways at once?"<sup>77</sup> Luther wrote that the pursuit of profit "flies squarely in the face not only of Christian love but also of natural law."<sup>78</sup>

In some ways, however, the connection between Christianity and critiques of the commercial spirit is not as firm as the classical rebuke, and perhaps tends to get exaggerated by secular defenders of modern capitalism. The Cistercians, a Christian religious order founded in the High Middle Ages (1100-1300 AD) that produced great advances in technology and mechanics, are often cited as the precursor to the entrepreneurial spirit of the Industrial Revolution.<sup>79</sup> Also in the Late Middle Ages, an epoch of economic expansion across Europe, Thomas Aquinas and other Scholastic theologians aimed to draw out some of the more salutary aspects of commercial activity and to attach dignity to work.<sup>80</sup> In building off of Aristotle, Aquinas argued that private property was important because it served a social purpose. Like Aristotle, he criticized usury—but unlike Aristotle,<sup>81</sup> he

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discussing the story of Naboth's Vineyard in 1 Kings 21 in the Bible, in which King Ahab, urged on by his wife Jezebel, seizes the vineyard of Naboth.

<sup>77</sup> Luther, "Trade and Usury," in O'Donovan, *Sourcebook*, 602.

<sup>78</sup> Luther, "Trade and Usury," in O'Donovan, *Sourcebook*, 602.

<sup>79</sup> See Randall Collins, *Weberian Sociological Theory* (Cambridge: Cambridge University Press, 1990), 54; and Michael Novak, "How Christianity Created Capitalism," *Wall Street Journal*, December 23, 1999, accessed December 9, 2016 via The American Enterprise Institute website, <https://www.aei.org/publication/how-christianity-created-capitalism/>.

<sup>80</sup> See Jerry Z. Muller, *The Mind and the Market: Capitalism in Western Thought* (New York: Anchor Books, 2002), 7.

<sup>81</sup> See Aristotle, *Politics*, 87. Note that Aristotle opposed usury more for metaphysical and teleological reasons than practical reasons.

admitted explicitly that it did carry utility in political communities.<sup>82</sup> More so, Roman civil jurisprudence that emerged in the Middle Ages created a strong legal architecture for property rights and commercial activity.<sup>83</sup>

Concerns about the negative consequences of commercial culture endured into the Enlightenment period in Europe and America. Even a country as friendly to economic freedom as the United States was founded by men and women concerned that excessive commercialism could threaten public virtue.<sup>84</sup> “Our very great consumption of foreign luxuries not only impoverishes the country to an high degree,” preached Samuel Wales, professor of divinity at Yale College, in “The dangerous of our national Prosperity; and the Way to avoid them,” a 1785 sermon characteristic of the skepticism toward commerce in late eighteenth-century America, “but at the same time, tends directly to enervate both our bodies and our minds, to produce indolence and pride, and to open the door to every temptation and every vice.”<sup>85</sup> For colonial Americans, public virtue was the antidote to the menace of luxury. It disciplined one’s private passions in order to devote himself to the common good of the community. “Public Virtue cannot exist in a Nation without private,”

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<sup>82</sup> See St. Thomas Aquinas, *Summa Theologica*, III, trans. Fathers of the English Dominican Province (Allen, TX: Christian Classics, 1981), 1513. See II-II, Q. 78, Art. 1, Reply Obj. 3. “Wherefore human law has permitted usury, not that it looks upon usury as harmonizing with justice, but lest the advantage of many should be hindered.”

<sup>83</sup> See Muller, *Mind and the Market*, 15.

<sup>84</sup> See Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: The University of North Carolina Press, 1998). See pages 68-70 in particular.

<sup>85</sup> Ellis Sandoz, ed., *Political Sermons of the American Founding Era, 1730-1805*, vol. I (Indianapolis: Liberty Fund, 1998), 852-53.

John Adams wrote, “and public Virtue is the only Foundation of Republics.”<sup>86</sup> Colonists made frequent appeals to the traditions of republican virtue in the early Roman republic.<sup>87</sup>

When, then, did the idea of “political economy” actually acquire a historical self-consciousness? The phrase was used as early as 1615 by [Antoine de Montchrétien](#) in his *Traité de l'economie politique*.<sup>88</sup> He argued that a community could depend on commercial pursuits to advance society without needing to rely on civic virtue. The term was first used in England by William Petty later in the seventeenth century.<sup>89</sup> It was not popularized in the English-speaking world until the publication of James Steuart’s *Inquiry into the Principles of Political Oeconomy* in 1767 and Adam Smith’s *Wealth of Nations* in 1776.<sup>90</sup>

Political economy in the eighteenth century was conceptualized, by these thinkers and others, in a narrow and a broad sense. Narrowly-speaking, it was the study of public finance. More broadly, it was the study of the interaction among economic activities, political and cultural institutions, and social customs. Even though political economists retained an underlying normative element in their description of economics—Steuart favored a moderate form of mercantilism, while Smith generally favored free trade—it continued to suffer the same fate in the eighteenth century that it had over previous centuries: political economy was accused of neglecting to furnish any sacrosanct principles of justice, unlike

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<sup>86</sup> Philip B. Kurland and Ralph Lerner, eds., *The Founders’ Constitution*, vol. I (Chicago: The University of Chicago Press, 1987), 670.

<sup>87</sup> See Carl J. Richard, *The Founders and the Classics: Greece, Rome, and the American Enlightenment* (Cambridge: Harvard University Press, 1994); and Richard, *Greeks & Romans Bearing Gifts: How the Ancients Inspired the Founding Fathers* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2009).

<sup>88</sup> Himmelfarb, *Idea of Poverty*, 42.

<sup>89</sup> Himmelfarb, *Idea of Poverty*, 42.

<sup>90</sup> Himmelfarb, *Idea of Poverty*, 42.

classical and Judeo-Christian thought, and continued to be associated with undermining them, as exemplified by Wales' sermon.

Where does that leave the relationship between philosophy and economics in Burke's political thought? Indeed, economists will argue that the laws of supply and demand perhaps are the closest approximations to unshakable truths in the study of political economy. Burke recognized these laws. Yet simply examining his views on supply and demand is insufficient to penetrating his theory of political economy, because Burke understood commercial activity to operate in a web of political, social, and moral institutions that were too complex to be reduced to stiff economic principles. The references to Burke's "political economy" in this dissertation, therefore, will encompass not only his practical reflections on taxes, public finance, and supply and demand, but also his wider and deeper theoretical insights into the intersection of commerce, human nature, and culture. In addition, although the institution of landed property in medieval Europe was not typically considered part of the concept of political economy in the seventeenth and eighteenth centuries, Burke understood private estates to hold social, political, and economic consequences. Accordingly, "political economy" in this dissertation will include Burke's commentary on the role of landed property in a political community.

It is within this tradition of the tense relationship between philosophy and economics that Burke confronted the sphinx of political economy in the eighteenth century. Burke's challenge as a *philosophic* economic thinker was to extract insights buried beneath the clutter of transient commercial activities and offer a coherence to and illumination of the enduring wisdom—any enduring wisdom—that political economy could offer man to help him better understand the human condition.

### a. Burke's Historical Milieu I: Brief Biography

The philosophical challenges Burke faced in articulating coherent principles of commercial activity were compounded by the historical fluxes in which he lived. In many ways, England in the eighteenth century resembled a rupture from its feudal past, one in which social, cultural, and economic relations were redefined through the grinding transition from a static medieval economy into a more fluid, market-based commercial culture. The last half of the eighteenth century in particular, when Burke was most active in politics, experienced a collision of forces, including industrialization, commercialization, urbanization, that shaped how he understood the nexus between politics and economics. This section, which provides a brief biography of Burke, and the following two sections, which examine the feudal traditions of landed property and the emergence of English commercial culture, will explore such an economic transformation. The purpose of this particular section is to emphasize background information on Burke that will become relevant when discussing his reflections on political economy.

Burke was born on January 12, 1730<sup>91</sup> in Dublin, Ireland.<sup>92</sup> His parents were Catholic, but Burke's father most likely conformed to the established Church of Ireland in order to practice law in the Court of Exchequer in Dublin. Burke's mother continued to practice Catholicism, but Burke himself was baptized into the Established Church, as were

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<sup>91</sup> Some historians argue that Burke was actually born in 1728 or 1729. See Bourke, *Empire & Revolution*, 29n8.

<sup>92</sup> The biographical information on Burke was culled from the following sources: Lock, F.P. *Edmund Burke*, vol. I, 1730-1784 (Oxford: Clarendon Press, 1999); Lock, *Edmund Burke*, vol. II, 1784-1797. Oxford: Clarendon Press, 2006; Richard Bourke, *Empire & Revolution: The Political Life of Edmund Burke* (Princeton: Princeton University Press, 2015); Cone, Carl B. *Burke and the Nature of Politics: The Age of the American Revolution* (Lexington: University of Kentucky Press, 2014); and Cone, *Burke and the Nature of Politics: The Age of the French Revolution* (Lexington: University of Kentucky Press, 2014.)

his brothers Richard and Garrett. The question of religion in Ireland at the time carried grave implications: starting in the 1690s and continuing on into the early eighteenth century, Britain established a number of “penal laws,” or popery laws, designed to punish Irish Catholics for their faith. Burke described the system as “well fitted for the oppression, impoverishment and degradation of a people, and the debasement, in them, of human nature itself, as ever proceeded from the perverted ingenuity of man.”<sup>93</sup> While not implemented systematically, the laws circumscribed Catholics’ liberties to practice their faith, inherit property, pursue educational opportunities, and acquire jobs.

Burke attended Trinity College Dublin from 1744 to 1748. He helped write for and edit *The Reformer*, a weekly literary and cultural periodical founded when he was an undergraduate and which continued to be published after he left the school.<sup>94</sup> *Reformer* contains some of Burke’s earliest reflections on political economy, including commentary on the impoverished condition of Irish peasants.<sup>95</sup> Burke would return his attention to the issue of Irish Catholic poverty in the early 1760s, when he was in Dublin serving as the private secretary to William Gerard Hamilton, a parliamentarian and then-Chief Secretary for Ireland, during sessions of the Irish Parliament in 1761 and 1762. (Burke would return to Ireland from 1763 to 1764.) While he was in Ireland and after traveling back to England, Burke’s conscience was struck by the conflict between the so-called Whiteboys, a poverty-stricken class of Catholic farmers, and anti-Catholic Protestant landlords, that became

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<sup>93</sup> Paul Langford, ed., *The Writings and Speeches of Edmund Burke*, vol. IX, I: *The Revolutionary War 1794-1797*; II: *Ireland* (Oxford: Clarendon Press, 2005), 637.

<sup>94</sup> Burke graduated from Trinity College Dublin in February 1748. See Bourke, *Empire & Revolution*, 58. *The Reformer* was published every week in Dublin from 28 January to 21 April 1748. See Paul Langford, ed., *The Writings and Speeches of Edmund Burke*, vol. I, *The Early Writings* (Oxford: Clarendon Press, 2006), 65.

<sup>95</sup> See “Labor, the Laboring Poor, and the Duties of the Rich” in Chapter 3.



ignited in the final months of 1761. Burke was sympathetic to the grievances aired by the Whiteboys; he believed that the punishment inflicted on the protestors was excessive, and became more fully attentive to the injustices of the popery laws. Burke most likely began to write his *Tracts relating to Popery Laws*, his essay excoriating the penal code's system of oppression against Irish Catholics, in 1762.<sup>96</sup>

In 1750 Burke traveled to London to study for the bar, as he was considering becoming a lawyer like his father. Burke abandoned this aspiration in the decade and concentrated his efforts on literary writings. He published his first two major works, *A Vindication of Natural Society* in 1756 and *A Philosophical Enquiry into the Origin of Our Ideas of the Sublime and Beautiful* in 1757. *Vindication* was a satire exposing and ridiculing the deistic rationalism of Lord Bolingbroke. *Philosophical Enquiry* was a work on aesthetics that described how the sublime is a non-rational sensation that is distinct from the beautiful.

In July 1765, Burke became the private secretary to the Marquis of Rockingham, a wealthy and influential aristocrat who was the leader of a Whig faction in Parliament. Later that year Burke won election to the House of Commons, representing Wendover, and entered Parliament for the first time in January 1766. At this point, however, Burke did not possess a landed estate, which was a political liability in eighteenth-century English politics. The political authority of a member of Parliament derived from the possession of landed property, as evidenced by the Parliamentary Qualification Act of 1711, which had imposed property requirements for members. Like the ancient Greeks, Englishmen believed that land, not the transient nature of commercial wealth, was tied to the general interests of the

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<sup>96</sup> See F.P. Lock, *Edmund Burke*, vol. I, 1730-1784 (Oxford: Oxford University Press, 1998), 192-94; Bourke, *Empire & Revolution*, 238-41; and Conor Cruise O'Brien, *The Great Melody: A Thematic Biography* (Chicago: The University of Chicago Press, 1993), 44-46.

community, and that the pedigree of a statesman was built by his ancestral connections to stable property.

Burke overcame this shortcoming in 1768 by purchasing an estate named Gregories, later called Butler's Court. It covered around six hundred acres.<sup>97</sup> With heavy financial assistance from his friends, Burke paid just over twenty thousand pounds for the land, worth roughly half a million dollars in mid-twentieth century America.<sup>98</sup> Gregories was a section of a manor formerly owned by the seventeenth-century poet Edmund Waller and located near the market town of Beaconsfield, in the county of Buckinghamshire. (Beaconsfield was just under twenty-four miles from London.) Gregories was comprised of a central residence with two stories and two smaller two-story houses on either side, connected to the main residence by colonnades that gave the estate a shine of royal grandeur. Burke biographer Carl B. Cone writes that the purchase "elevated his social status and brought to him the deep personal satisfaction of owning property and living magnificently."<sup>99</sup>

Burke was committed to improving Gregories. He himself farmed 410 acres of productive land,<sup>100</sup> which covered arable and grass land. George Lipscomb, a physician and writer who completed a sweeping survey of Buckingham estates called *History and Antiquities of the County of Buckingham* in 1847, described Burke's efforts this way:

Mr. Burke's purchase was also rendered of more than triple value, by the activity of his genius; for his comprehensive mind, which embraced every thing both useful and profound, induced him to apply himself to the pursuits of

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<sup>97</sup> This section relied on the following sources about Burke's purchase and stewardship of his estate: Elizabeth R. Lambert, *Edmund Burke of Beaconsfield* (Newark: University of Delaware Press, 2003); Lock, *Edmund Burke*, vol. I, 249-58 and 315-19; Cone, *Age of American Revolution*, 123-45; George Lipscomb, *The History and Antiquities of the County of Buckingham*, III (London: J. & W. Robins, 1847), 191-92; and Cone, "Edmund Burke, the Farmer," *Agricultural History* 19 (1945): 65-69.

<sup>98</sup> Cone, *Age of American Revolution*, 129.

<sup>99</sup> Cone, *Age of American Revolution*, 123.

<sup>100</sup> Lock, *Edmund Burke*, vol. I, 316.

agriculture with so much assiduity, that he very soon astonished the literary circle amongst whom he had accustomed to move, by his improvements at Gregories, which soon presented a very different character from that plain sombre habitation, when he first took possession of it.<sup>101</sup>

Lipscomb wrote that Burke “soon became one of the most successful practical farmers in Buckinghamshire.”<sup>102</sup> The estate fulfilled Burke’s hunger to become a respected landed aristocrat, achieve mastery of husbandry, and earn a reputation for political integrity.

Arthur Young, a leading eighteenth-century English authority on agricultural practices and economics and a friend of Burke, reported in 1771 that Burke’s labor force consisted of one bailiff, two boys, and six other laborers. The farm’s main crops were wheat, barley, clover, and turnips. The farm included forty swine, fourteen cows, six horses, and six young cattle.<sup>103</sup> Burke’s superintendence over the property was known for its openness to experimentation, innovation, and serious attention to the best agricultural techniques regarding the feeding of stock, the cultivation of soil, and the rotation of crops. For example, Young reported that Burke used advanced draining techniques to make a ten-acre field dry enough to cultivate crops: “...[T]he drains answered extremely well, for the land has since been quite dry.”<sup>104</sup> Cone states that the farm yielded a modest profit,<sup>105</sup> but F.P. Lock, a more recent Burke biographer, writes that the estate’s value did not grow significantly under Burke’s stewardship.<sup>106</sup>

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<sup>101</sup> Lipscomb, *History and Antiquities*, 191.

<sup>102</sup> Lipscomb, *History and Antiquities*, 192n1.

<sup>103</sup> Arthur Young, *The Farmer’s Tour Through the East of England*, IV (London: W. Strahan, 1771), 77. See also Lock, vol. I, *Edmund Burke*, 316.

<sup>104</sup> Young, *Farmer’s Tour*, 80. See also Cone, *Age of American Revolution*, 139-40 and Cone, “Edmund Burke, the Farmer.”

<sup>105</sup> Cone, *Age of American Revolution*, 137.

<sup>106</sup> Lock, *Edmund Burke*, vol. I, 257.

Burke's zest for farming and creative agricultural techniques was not unusual for the time period in England. Still, multiple contemporary accounts testified to his successes in productivity and efficiency.<sup>107</sup> The *Annual Register*, the political, historical, and literary periodical edited by Burke until mid-1765,<sup>108</sup> reported in its 1798 edition, one year after he died, that "as a farmer [Burke] was the most successful of the neighbourhood, without any unusual expence."<sup>109</sup> More so, Burke's "talent displayed itself in various improvements of its natural beauties; and he bestowed much attention on farming."<sup>110</sup> In essence, it is hard to avoid the conclusion that Burke's experience as a farmer informed his views in *Thoughts and Details*, at least partially.

Even with Burke's agricultural ingenuity, the estate remained a heavy financial obligation that saddled Burke throughout his life. The piling clutter of interest payments, multiple mortgages, indebtedness, and litigious neighbors—not to mention the heightened social anxiety that accompanied these problems—has led Lock to call Burke's purchase of the state "imprudent."<sup>111</sup> Cone calls attention to Burke's "extreme carelessness in financial affairs."<sup>112</sup> Burke himself admitted that his personal affairs, financial and otherwise, were

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<sup>107</sup> See the views of Young and Boswell in Cone, "Edmund Burke, the Farmer," and the comments of Mrs. Montagu in Cone, *Age of American Revolution*, 138. Also, Sir James Prior's *A Life of Edmund Burke* (London: George Bell & Sons, 1891), reported that "[Burke's] knowledge of farming, and of stock live and dead, was so highly estimated by his neighbours as to occasion frequent applications for advice upon such matters." See pages 420-21.

<sup>108</sup> Historical evidence suggests Burke stopped editing the journal around the time he was appointed private secretary for the Marquis of Rockingham in July 1765. See Bertram D. Sarason, "Edmund Burke and the Two Annual Registers," *PMLA* 68 (1953): 496-508.

<sup>109</sup> *The Annual Register, For the Year 1798* (London: T. Burton, 1800), 329.

<sup>110</sup> *Annual Register, For the Year 1798*, 329. Of course, Burke's personal connections to the *Annual Register* may have prompted the publication to slightly exaggerate his prowess as a husbandman.

<sup>111</sup> Lock, *Edmund Burke*, vol. I, 256.

<sup>112</sup> Cone, *Age of American Revolution*, 134.

“always in a State of embarrassment and confusion.”<sup>113</sup> There is little evidence Burke made serious attempts to change his financially injudicious behavior. Yet the social and political benefits conferred by the estate must have outweighed these drawbacks for Burke, for he stayed active in its agricultural affairs up until his final years.

One reason Burke frequently found himself in a precarious financial position was because of his generosity to friends, employees, and tenants, according to historical accounts. Evidence suggests that he treated his workers well and paid them handsomely relative to the standard pay at the time.<sup>114</sup> Burke was not overzealous in demanding rent from his tenants, and he frequently entertained guests at his estate, conveying warm hospitality.

Burke also demonstrated concern for the poor. He was an active member of a community group that looked after the old and sick. Burke was also the source for other plans to help improve the condition of the impoverished in his neighborhood, such as creating local public welfare institutions, which were not common in rural areas at the time. Burke sought to spread lessons of piety, industry, and loyalty among the needy. Burke’s altruism led sympathetic Burke biographer James Prior to write, “With the poor in this neighborhood he was generally a favourite, having the address to converse much with them, visit their cottages, overlook or regulate their pastimes as well as their labours, without losing any thing of dignity.”<sup>115</sup>

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<sup>113</sup> See *Edmund Burke’s Character of His Son and Brother*, in *The Correspondence of Edmund Burke*, VII, January 1792–August 1794, eds. P.J. Marshall and John A. Woods (Cambridge: Cambridge University Press, 1968), 591.

<sup>114</sup> See Cone, *Age of American Revolution*, 139.

<sup>115</sup> Prior, *Life of Edmund Burke*, 423.

Following his representation of Wendover, Burke would go on to represent Bristol, a bustling trading hub, from 1775 to 1780. Bristol's active merchant class represented a thorn in the side of Burke's statesmanship, since his sympathy toward free trade was often in conflict with Bristol traders' support for protectionism. Burke's final service in Parliament was representing Malton, a small borough of Yorkshire, starting in 1780. He was appointed Paymaster of the Forces, the *de facto* banker for the British army,<sup>116</sup> in Rockingham's second administration in 1782, and reappointed under the Fox-North coalition in 1783. Burke retired from Parliament in June 1794 and passed away in 1797.

### **b. Burke's Historical Milieu II: Agriculture, Landed Property, and the Gentry**

The epoch in which Burke lived witnessed a transition from landed agricultural property to widespread commercial activity. Burke's conception of political economy included these two areas because he was keenly aware that both land and commerce played an integral role in shaping the ethos of a political community. This section will provide a basic foundation for understanding the role of landed property, agriculture, and the gentry in medieval and early Enlightenment Europe. The following section will discuss the advent of British commercial culture. Our task in this particular section is to relax our grip and remove ourselves from the position of liberal modernity, in which democratic capitalism has become so etched in our consciousness that it is difficult to imagine living under any other economic system, and plunge ourselves into the environment of the Middle Ages and early Enlightenment Britain. Doing so will enhance our awareness of the philosophical problems of political economy that Burke confronted in navigating the relationship between

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<sup>116</sup> Lucy S. Sutherland and J. Binney, "Henry Fox as Paymaster General of the Forces," *The English Historical Review* 70 (1955): 230.

commerce and virtue. It will also better equip us to assess which particular economic traditions Burke embraced in his thought, since many of the ideas in *Thoughts and Details* explore issues similar to the ones that will be outlined in the following sections.

While the Industrial Revolution is commonly said to have started around 1760, the core of England's economy throughout the eighteenth century remained agriculture. "The pre-nineteenth century economy...although one in which trade and industry had long been advancing, was still firmly rooted in the countryside," writes historian G.E. Mingay.<sup>117</sup> Even as late as 1811, one-third of the country's labor force worked in agriculture.<sup>118</sup> Therefore, Burke came into immediate contact both with the operations of traditional agriculture, as a farmer, and the electricity of commercial activity, as a representative of the vibrant trading city of Bristol. It is also important to remember that Burke addressed an economic environment that preceded the full throttle of industrialization later encountered by nineteenth- and twentieth-century supporters and critics of market economies.

The pedigree of England's feudal-based agricultural economy dated back centuries. The Norman Conquest of England in 1066 introduced a military aristocracy and feudal institutions in which service in war was a condition to work on the feudal land overseen by the lord. Feudalism, which itself has origins dating back to ancient Germanic tribes, was defined by reciprocal obligations of allegiance and responsibility amongst kings, vassals, free farmers, and unfree peasants. It thrived from the ninth to the fifteen centuries, although it

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<sup>117</sup> Mingay, *The Gentry* (New York: Longman, 1976), 80. In addition to Mingay's *Gentry*, this section relied on the following sources for its general overview of the gentry: Felicity Heal and Clive Holmes, *The Gentry in England and Wales, 1500-1700* (Stanford: Stanford University Press, 1994); and Keith Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain* (New Haven: Yale University Press, 2000), 100-01.

<sup>118</sup> Mingay, *Gentry*, 80.

had been declining centuries before then. The dominant authority that presided over feudal estates was the landed gentry, the position right below the nobility in Britain's social hierarchy.

The gentry emerged as the group between the great, powerful lords—princes, abbots, and bishops—and the farmers and peasants. They were a collection of lesser lords and vassals who owned moderate amounts of land and who were more directly engaged in farming and administering their manors. Thus some members of the gentry developed an entrepreneurial spirit. In addition, the foundation of military obligations gradually declined in the thirteenth and fourteenth centuries as lords increasingly sought to improve their estates. Demesnes, the lands of the estate, “were run in a commercial way as agricultural production became highly specialized in response to the growth of markets and in accordance with the local circumstances of climate, soil, situation and transports,” Mingay writes.<sup>119</sup>

The landed gentry desired to preserve their social status and wealth in the Middle Ages through primogeniture. Primogeniture, generally believed to have emerged in medieval England following the Norman Conquest,<sup>120</sup> was the common law custom by which the inheritance of the father's entire estate was secured to his eldest son. It became fully entrenched in England by the end of the thirteenth century.<sup>121</sup> This rule ensured that the tenant's responsibilities to the land would be fulfilled when the estate switched ownership.<sup>122</sup> Another medieval custom, entails, or the fee tail, prohibited the sale or alienation of the

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<sup>119</sup> Mingay, *Gentry*, 23.

<sup>120</sup> Courtney Stanhope Kenny, *The History of the Law of Primogeniture in England and Its Effect Upon Landed Property* (Cambridge: J. Hall & Son, 1878), 9-10. See also Theodore F.T. Plunkett, *A Concise History of the Common Law* (Indianapolis: Liberty Fund, 2010), 527-28.

<sup>121</sup> Mingay, *Gentry*, 20.

<sup>122</sup> Mingay, *Gentry*, 20.



landed estate, thereby preserving family property over multiple generations. Both primogeniture and entails<sup>123</sup> maintained the large territory and majesty of aristocratic estates. In turn, these customs tended to discourage the use of large estates for commercial profit or cultivation. There did, however, remain a healthy demand for country houses and smaller estates,<sup>124</sup> one of which included Burke's Gregories estate.<sup>125</sup>

The fifteenth century saw the expansion of opportunities to purchase land, particularly for small peasant farmers who possessed both ambition and money.<sup>126</sup> Following the devastating demographic and economic consequences wrought by the Black Death, landlords realized it would be better to grant access of their demesne lands to substantial tenants and to change the status of serfs from servility to rent-payers. Terms of tenure were strengthened, tenants were sought after by lords, and serfdom declined. "...[T]he result was a gradual shift in the balance of power between lords and tenants," writes historian Keith Wrightson.<sup>127</sup> The effects of this development included a rise in basic living standards, the wider possession of land, and the growth of more socioeconomic disparities within rural communities.

Sixteenth-century England under the Tudor dynasty, particularly in the Elizabethan era (1558-1603), took a structure and shape that anticipated the more fundamental changes

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<sup>123</sup> Primogeniture and entails were banned by the newly independent states of the United States following the American Revolution. See Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books), 183.

<sup>124</sup> See Canavan, *Political Economy of Edmund Burke*, 13, and Cone, *Age of American Revolution*, 123-24.

<sup>125</sup> Note, however, that Burke's farm was still large for the time period. See Lock, *Edmund Burke*, vol. I, 316.

<sup>126</sup> See Wrightson, *Earthly Necessities*, 100-01.

<sup>127</sup> Wrightson, *Earthly Necessities*, 100.

to the country's political economy in the following centuries.<sup>128</sup> Although it did not reach the heights of the Industrial Revolution, this epoch saw a flowering of commercial activity and material affluence, benefiting both merchants and the landed gentry and serving as sources of national pride. The gentry—at least the active ones—were mindful of the responsibilities of managing a good estate, and of reaping financial rewards from it. "...[A] working knowledge of the landed estate and an attention to the detail of its management was, as fathers sought to impress upon their heirs, essential to financial success in a period of inflation," historians Felicity Heal and Clive Holmes write.<sup>129</sup> Because of the growth of inflation from 1500 to 1650, the gentry were particularly conscious of their finances, and thus tried to ensure that the management and accounting practices of their estate were sound. Ethical imperatives that would later be articulated as "commercial virtues" were valued as well, including frugality, self-restraint, and industry.<sup>130</sup> Moreover, as Heal and Holmes write, "The creation of an integrated estate and a keener attention to its management did not necessarily threaten traditional values."<sup>131</sup>

The seventeenth and eighteenth centuries saw a deepening relationship between the landed gentry, acting as landlords, and the tenant farmer. The gentry increasingly realized that the security and enhancement of their estate was inextricably linked with the condition of their workers. They arranged to provide adequate provisions to the farmer, including land, farmhouses, and barns. The gentry also held the incentive to ensure that the farmer was

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<sup>128</sup> For information on sixteenth-century Tudor England, see, among many sources, Arthur F. Kinney and David W. Swain, eds., *The Routledge Encyclopedia of Tudor England* (New York: Garland Publishing, Inc., 2001), 7-9; and Helen Miller, *Henry VIII and the English Nobility* (Oxford: Basil Blackwell, Ltd., 1986).

<sup>129</sup> Heal and Holmes, *Gentry in England and Wales*, 104.

<sup>130</sup> See Heal and Holmes, *Gentry in England and Wales*, 99-100.

<sup>131</sup> Heal and Holmes, *Gentry in England and Wales*, 105.

productive and as efficient as possible when cultivating the land. For his part, the farmer furnished the plough team, stock, and seed, among other capital, and paid wages to laborers to help him. Overall, land was seen not simply as a stable investment but also a source for surplus wealth.<sup>132</sup> It is not a coincidence that money-lending starting in the mid-seventeenth century began to shed some of the stigma that had burdened it for centuries.<sup>133</sup>

Farming for profit and commercial gain was a notoriously unpredictable endeavor. The landed gentry and farmers faced price fluctuations, inclement weather, and animal diseases, among many factors. The income the landowner earned from rent was more stable but tended to be lower. Market competition was intense in the eighteenth century, and prices were high. Thus, writes Mingay, when taking out the costs of taxes and other expenses for estate management, the yield on land investments represented by rent was around three or four percent in the mid-eighteenth century.<sup>134</sup> Mortgages earned a slightly higher profit. Mingay estimates that farmers generally earned a minimum of ten percent on their investments, and sometimes a good amount more under favorable circumstances.<sup>135</sup>

One important point to keep in mind, in the context of the landlord-tenant farmer relationship and the feudal relationships in the Middle Ages, was that the quality and substance of these social arrangements were not monolithic; there were good landlords and bad landlords, good farmers and bad farmers. There were well-run estates managed efficiently, and poorly-run estates that were neither progressive nor entirely free from tenure laws and other restrictions on agricultural production. In addition, it was not uncommon for wives, widows, and daughters to operate the estate while husbands were away from home

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<sup>132</sup> See Wrightson, *Earthly Necessities*, 101.

<sup>133</sup> Heal and Holmes, *Gentry in England and Wales*, 126.

<sup>134</sup> Mingay, *Gentry*, 82.

<sup>135</sup> Mingay, *Gentry*, 83.

due to political or legal obligations, or when men were unable to work because of infirmities or death. Cultivation, therefore, reflected an integration of social and economic variables that revealed complex realities about the stewardship of land.

The landed gentry in Burke's time were the gentlemen in communities. They were the aristocratic ruling class in politics and social circles. They possessed the advantages of birth, education, and wealth that commanded authority and respect from others. Like the ancient Greeks, the gentry believed that landed property was a necessary condition for participation in government. Furthermore, they set the tone for society, creating standards of taste and culture that trickled down to the lower classes. The gentry had time for leisure and cultural pursuits since laborers toiled in the fields. "...[T]he primary characteristic of the gentleman was that he never worked with his hands on necessary, as opposed to leisurely, activities," Peter Laslett writes.<sup>136</sup> One must be cautious about painting too simplistic a picture about the static character of the gentry, however, because it was not unusual for gentlemen to be active in technological projects and agricultural enterprises.<sup>137</sup> Indeed, one way for the gentry to avoid the soil of agricultural activities was to engage in non-agricultural profit-making endeavors.<sup>138</sup>

The gentry saw themselves as pillars of stability and stewards of the public good in social environments wracked by change and unpredictability. They aimed to serve a humane purpose as well by demonstrating concern for the poor and sick, and by cherishing the social responsibility to be respected administrators and landowners in the community. In turn, they

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<sup>136</sup> Peter Laslett, *The World We Have Lost Further Explored* (New York: Charles Scribner's Sons, 1984), 29.

<sup>137</sup> See Heal and Holmes, *Gentry in England and Wales*, 109-13.

<sup>138</sup> Heal and Holmes, *Gentry in England and Wales*, 119-35.

were not immune from exaggerating their own self-importance in political communities, nor from exploiting their less powerful tenants.

Finally, there were three general classifications of land ownership in Burke's time. The top of the hierarchy consisted of a few large landholders, whose rent holdings reached tens of thousands of pounds. The bottom was the class of small freeholders, who farmed their own land and whose earnings totaled around three hundred pounds per year.<sup>139</sup> The middle category was the gentry, the class in which Burke belonged, albeit on its lower end.

The relevant insights one can draw from this brief portrait of the landed gentry in relation to Burke's political economy are at least threefold. First, in Burke's time, although England was continuing to transition toward a modern commercial culture, there remained a powerful agricultural interest. Second, because it was not unusual for the landed gentry to carry an itch for the entrepreneurial spirit, imposing a strict conceptual division between landed aristocracy and commercial vibrancy overlooks the overlapping tendencies in each other's behavior. Third, the landed gentry did truly see themselves as occupying a unique and important role in society by serving as responsible leaders concerned with the general welfare. All of these implications will come into play when evaluating Burke's philosophy of political economy.

### **c. Burke's Historical Milieu III: Commercial Society and Trade**

The second important historical trend to consider when examining Burke's political economy is the blossoming of commercial culture and trade in eighteenth-century Britain. The following description will paint a sketch of this socioeconomic environment to show

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<sup>139</sup> See Lock, *Edmund Burke*, vol. I, 253.

how the shift from feudal society to commercial economies underscores the philosophical tension between virtue and commerce examined earlier in this chapter.<sup>140</sup> In addition, keep in mind throughout this analysis that Burke was born in 1730, and thus grew up around the same time as the initial burst of British commercialism.

Even though the early eighteenth-century Britain agricultural economy preceded the emergence of industrial activity in the latter part of the decade, its rural economy during that time period was not stagnant.<sup>141</sup> Agricultural activity, while not scientifically advanced, was productive. And commercial activity in particular industries was vibrant, even if full-scale industrialization did not unfold until the mid-eighteenth century. It is tempting to create a dichotomy between pre-industrial Britain, from the 1700s through the 1740s, and industrial Britain, from 1760 onward. The important point, however, is that the pace of the British economy was progressing steadily in the first part of the decade, according to empirical evidence, and that the Industrial Revolution was in many ways a continuity from previous economic trends in Britain. As historian Nancy F. Koehn writes, “The reconstructed road to industrialization was smoother and slower than was once thought.”<sup>142</sup>

A number of empirical facts furnish evidence of the advancements in commercial and manufacturing activities during the eighteenth century. Output from the farming sector increased fifty percent in the first half of the 1700s and twenty-eight percent over the second half.<sup>143</sup> Cotton production grew 1.37 percent per year from 1700 to 1760 and spiked to

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<sup>140</sup> This section will not engage the continuing scholarly debates over the economic and demographic trends for this time period, such as questions over the extent of wage growth, population growth, or the rise in living standards.

<sup>141</sup> See Nancy F. Koehn, *The Power of Commerce: Economy and Governance in the First British Empire* (Ithaca: Cornell University Press, 1994), 31-32.

<sup>142</sup> Koehn, *Power of Commerce*, 32.

<sup>143</sup> Koehn, *Power of Commerce*, 32.

almost thirteen percent from 1780 to 1790.<sup>144</sup> Iron grew from 0.60 percent to over six percent from 1790 to 1801.<sup>145</sup>

International trade flourished. The consequence was that Britain was becoming increasingly reliant on foreign imports to buttress its economy. Imported goods increased over five hundred percent during the eighteenth century.<sup>146</sup> The rate of growth in international trade expanded, from 0.8 percent annually from 1700 to 1740 up to 2.6 percent from 1770-1800.<sup>147</sup> This structural transformation of Britain's economy also affected the agricultural export market: Britain, which traditionally was a leading exporter of grain, became a net importer of grain by 1750.<sup>148</sup>

And yet the British Parliament continued to erect import duties to restrict foreign competition, with the intention of helping British merchants. Higher import duties would make the goods of international competitors more expensive. Hence cheaper British goods would become more desirable for consumers than costlier foreign products. Import duties were initially established to raise revenue for Britain's public finances and to fight costly wars,<sup>149</sup> but gradually they were wielded to wage economic warfare against other European countries.<sup>150</sup> British merchants increasingly gained more political influence over activity in Parliament relating to economic affairs by lobbying members to support tariffs, a policy they hoped would stifle foreign competition and benefit domestic tradesmen. Protection policies, which grew under the reign of King William and Queen Anne in the late 1690s and early

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<sup>144</sup> Koehn, *Power of Commerce*, 33.

<sup>145</sup> Koehn, *Power of Commerce*, 33.

<sup>146</sup> Koehn, *Power of Commerce*, 49.

<sup>147</sup> Koehn, *Power of Commerce*, 49.

<sup>148</sup> Koehn, *Power of Commerce*, 49.

<sup>149</sup> See Ralph Davis, "The Rise of Protection in England, 1689-1786," *The Economic History Review* 19 (1966): 306-317.

<sup>150</sup> See Muller, *Mind and the Market*, 56.

1700s, became widespread by the 1760s and 1770s. “If there *was* a powerful wave of deliberate and conscious protectionism,” writes Ralph Davis, “...it was in the decade in which Adam Smith was collecting material and writing his great blast against commercial regulation, *The Wealth of Nations*,”<sup>151</sup> which was published in 1776.

Urbanization accompanied the rise in British trade and commerce. From the latter part of the seventeenth century through to the mid-eighteenth century, city dwellers increased from 13.5 percent to more than twenty percent.<sup>152</sup> Cities that were traditionally powerful in England, such as Norwich, York, and Exeter, struggled to keep up with the growth in newer urban centers.<sup>153</sup> By the end of the eighteenth century, Bristol, the city represented by Burke in Parliament in the latter half of the 1770s, was one of the few traditional urban hubs that remained among the most highly populated towns.<sup>154</sup> International trade, manufacturing advances, and transport progress were three principal reasons why the rise in urbanization occurred so swiftly.

Population growth was another distinctive feature of eighteenth-century England. England’s population grew from 5.35 million in 1721 to more than 8.5 million by 1801,<sup>155</sup> an increase of over sixty percent. In total, Britain’s population almost doubled in the eighteenth century, an unprecedented level of growth that continued into the nineteenth century.<sup>156</sup> This steep climb can be attributed to a rise in fertility, the decision of people to get married earlier, and the decline in mortality rates, the latter due to improved domestic hygiene and

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<sup>151</sup> Davis, “Rise of Protection,” 314.

<sup>152</sup> Koehn, *Power of Commerce*, 46.

<sup>153</sup> Koehn, *Power of Commerce*, 46.

<sup>154</sup> Koehn, *Power of Commerce*, 46.

<sup>155</sup> E.A. Wrigley and R.S. Schofield, *The Population History of England 1541-1871: A Reconstruction* (Cambridge: Cambridge University Press, 1989), 208-210.

<sup>156</sup> Emma Griffin, *A Short History of the British Industrial Revolution* (London: Palgrave Macmillan, 2010), 30.



new construction techniques for houses based on brick and tile.<sup>157</sup> In addition, England's population was highly mobile,<sup>158</sup> and its life expectancy increased as well.<sup>159</sup>

One of the most conspicuous trends in eighteenth-century Britain was the rise in living standards across socioeconomic divisions. Goods that previously only the affluent possessed, such as glass, china, linens, blankets, and rugs, became accessible to the lower classes. As economic historian Jerry Muller writes, "For perhaps the first time in history, a basic minimum of food, shelter, and clothing was a nearly universal expectation."<sup>160</sup> This transformation accompanied a change in some people's thinking about how to assess wealth in a country: the mercantilist perspective, though not uniform, posited that wealth was derived from a state's accumulation of gold and silver and could be judged based on the affluence of the upper classes. A competing view in eighteenth-century Britain, as presented by Adam Smith, put forth the notion that public opulence was best judged based on whether affluence reached not just a nation's elites but also its lower classes.

There further arose in late sixteenth-century to nineteenth-century England a conscious recognition of the materially poor, a secularized version of the Christian idea of the spiritually poor.<sup>161</sup> Eighteenth-century England in particular experienced a series of phenomena, including industrialization, urbanization, and the commercialization of agriculture, that appeared to have exacerbated the social consequences of the needy. Poor harvests, seesawing grain prices, and general market fluctuations created social anxieties

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<sup>157</sup> See Peter Razzell, "The Growth of Population in Eighteenth-Century England: A Critical Reappraisal," *The Journal of Economic History* 53 (1993): 743-771.

<sup>158</sup> See Peter Clark and David Souden, *Migration and Society in Early Modern England* (London: Hutchinson, 1987).

<sup>159</sup> Muller, *Mind and the Market*, 205-06.

<sup>160</sup> Muller, *Mind and the Market*, 57.

<sup>161</sup> See Himmelfarb, *Idea of Poverty*, for an historical overview of this concept.

amongst family members, many of whom who had little guarantee they would be able to feed their families during times of economic dislocation.

Burke's economic reflections confronted both the traditions of the landed gentry and the jolt of commercial activity on English civil society. Combined with his concrete experience in both worlds, as an aristocratic farmer and as a representative of a dynamic trading city, Burke embodies a distinctive perspective through which to evaluate the philosophic struggle between commerce and virtue. Our task is to determine whether Burke held a coherent theory of political economy, rooted in firm philosophical principles rather than contingent opinions; which economic tradition best captures his economic thought; and whether his commentary offers a way to assess the Arendtian critique of modernity's preoccupation with productive labor. How *did* Burke's economic theory relate to his political theory?

## Chapter 3: Burke on Market Economies I

### a. Introduction

The traditional classical and Judeo-Christian perspective on economic life believed that commercial activity should be subordinate to the exercise of man's higher rational faculties. As expressed in the Arendtian critique of modernity, the fully formed human being does not simply produce goods but uses his reason to think, reflect, and imagine about the noble things in life. This understanding is consistent with Burke's awareness that economic activity operates in a deeper social setting that incorporates culture, civil society, and theology. Human activity, then, can be conceived as a steep pyramid, beginning at the simple satisfaction of our biological necessities and ascending to the transcendent fulfillment of our capacity to reason philosophically.

The structure of the following chapters on Burke's political economy will attempt to preserve the integrity of this hierarchy. It will first address Burke's straightforward reflections on commercial activity, including his assessments of market economies, supply and demand laws, and commodity prices. Increasingly, the subject matter will address more profound concerns, climbing higher and higher to include Burke's philosophic commentary on the intersection among economics, politics, and history. It will conclude by offering final reflections on Burke's conception of the link between politics and economics, and on his awareness of the merits and flaws of markets, with the goal of reaching the pinnacle of Burke's philosophic consciousness regarding economic life.

One final question requires attention before examining the substance of Burke's political economy: did Burke research, analyze, and reflect upon economic issues with adequate seriousness to even warrant a study of his economic theory? First, it should be noted that Burke's and his contemporaries' conception of "economics" and its cognates,

depending on the semantic and political context, could include public finance (similar to the idea of political economy); the purification of government from corrupt financial interests; industrious and efficient market activity; and traditional supply and demand phenomena that we associate today with the discipline of economics. The flexibility of the word meant that it could be wielded by various movements for different political objectives,<sup>162</sup> a tendency from which Burke was not completely immune.

By Burke's own estimation, his engagement with economic affairs throughout his life was thorough and enduring. In his *Letter to a Noble Lord*, an apologia published on 24 February 1796, Burke defends his government pension by contrasting his industrious service in Parliament with the seeming indolence of the Duke of Bedford, who had previously criticized Burke's "extravagant" pension in the House of Lords—extravagant particularly for someone who was a "preacher of economy."<sup>163</sup> In the letter, Burke highlights the diligence with which he studied economic issues when discussing his efforts in crafting the Economical Reform Bill and its more condensed version, the Civil List Bill of 1782, both of which tried to diminish the Crown's influence in Parliament and limit the cost of pensions.<sup>164</sup> His work on the Civil List<sup>165</sup> was conducted with "careful review" and "analysis of all the

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<sup>162</sup> See Lock, *Edmund Burke*, vol. I, 447.

<sup>163</sup> Bourke, *Empire & Revolution*, 893-94. The Earl of Lauderdale also had criticized Burke's pension in the House of Lords, as did John Curwen in the House of Commons. See Langford, *Writings and Speeches*, IX, 145.

<sup>164</sup> See Lock, *Edmund Burke*, vol. I, 449-60; E.A. Reitan, "The Civil List in Eighteenth-Century British Politics: Parliamentary Supremacy Versus the Independence of the Crown," *The Historical Journal* 9 (1966): 318-337; and Ian R. Christie, "Economical Reform and 'The Influence of the Crown', 1780," *The Cambridge Historical Journal* 12 (1956): 144-154.

<sup>165</sup> See "Speech on Economical Reform II: Pensions, Costly Offices, and the Civil List" in Chapter 9.

component parts” of the bill.<sup>166</sup> Burke “weigh[ed]” the parts “each against other.”<sup>167</sup> The two bills were “atchieved with the greatest labour, and management of every sort, both within and without the House...”<sup>168</sup>

Yet they were a “small part, of a very large system, comprehending all the objects”<sup>169</sup> of Burke’s attention. In regard to the Economical Reform Bill and Civil List Bill, in fact, Burke writes, “What I have done in the way of political economy was far from confined to this body of measures.”<sup>170</sup> Burke then makes his first sweeping claim in *Letter to a Noble Lord* about his studies of political economy: “The first session I sat in parliament, I found it necessary to analyze the whole commercial, financial, constitutional, and foreign interests of Great Britain and its empire.”<sup>171</sup> In the next paragraph Burke doubles down on his assertion that he devoted a copious amount of time to researching economic issues:

Does his Grace think, that they who advised the Crown to make my retreat easy, considered me only as an oeconomist? That, well understood, however, is a good deal. If I had not deemed it of some value, I should not have made political oeconomy an object of my humble studies, from my very early youth to near the end of my service in parliament, even before, (at least to any knowledge of mine) it had employed the thoughts of speculative men in other parts of Europe. At that time, it was still in it’s infancy in England, where, in the last century, it had it’s origin.<sup>172</sup>

It is noteworthy that Burke dignifies the economics profession by asserting that the study of political economy in itself is a noble pursuit—as he writes, it is worth “a good deal”—since Burke famously assailed “oeconomists,” along with “sophisters” and calculators,” in

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<sup>166</sup> Langford, *Writings and Speeches*, IX, 157.

<sup>167</sup> Langford, *Writings and Speeches*, IX, 157.

<sup>168</sup> Langford, *Writings and Speeches*, IX, 158.

<sup>169</sup> Langford, *Writings and Speeches*, IX, 159.

<sup>170</sup> Langford, *Writings and Speeches*, IX, 159.

<sup>171</sup> Langford, *Writings and Speeches*, IX, 160. See “The Free Port Act of 1766,” Chapter 5.

<sup>172</sup> Langford, *Writings and Speeches*, IX, 159-60.

*Reflections* just six years prior for destroying the spirit of chivalry that sustained social order.<sup>173</sup>

Based on this sharp rebuke in *Reflections*, one suspects he would repudiate any notion that the study of economics was a worthy endeavor. Hence we can make a provisional distinction that will acquire greater definition later in this dissertation: in Burke's judgment, his critique of "oeconomists" in *Reflections* targeted the politically zealous schemes of Jacobin financiers and legislators seeking to socially engineer civil society, while his favorable reference to his efforts as an "oeconomist" in *Letter to a Noble Lord* connotes a detached commitment to research public finance and commercial activity with impartiality.

Burke expresses two other noteworthy points in the comments above. First, he claims he researched political economy from his youth to his final days in Parliament, thereby reinforcing his own self-assessment that he studied economic issues with sustained contemplation throughout his entire life. Second, by asserting that he was ahead of his time in his engagement with political economy, a discipline that was still in its "infancy" in England and elsewhere in Europe, Burke tries to convey that he was an authoritative *and* prescient thinker on economic issues.<sup>174</sup>

Burke's next comments build upon this effort to assert his authority on political economy by suggesting that he was engaged in economic debates with other leading thinkers of this time. "Great and learned men thought my studies were not wholly thrown away, and deigned to communicate with me now and then on some particulars of their immortal works," Burke writes. "Something of these studies may appear incidentally in some of the

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<sup>173</sup> Langford, *Writings and Speeches*, VIII, 127.

<sup>174</sup> Keep in mind that Burke's self-congratulatory declarations of his hard work in *Letter to a Noble Lord* were presented in the context of his attempt to justify his government pension.

earliest things I published.”<sup>175</sup> Scholars have speculated that one of the “great and learned men” Burke is referring to here is Adam Smith.<sup>176</sup> Most likely Burke did have in mind Smith, but existing correspondence between the two thinkers does not include any penetrating philosophical exchange over economic issues.<sup>177</sup>

In addition to underscoring his personal efforts researching political economy, Burke insinuates that his economic ideas commanded influence in the House of Commons.

“Gentlemen are very fond of quoting me...” Burke insists regarding his Economical Reform Bill.<sup>178</sup> Supporters and critics of the bill, even if the latter disagreed on its substance, generally praised his speech defending the legislation.<sup>179</sup> More so, in referring to his studies of political economy, Burke remarks that the “House has been witness to their effect, and has profited of them more or less for above eight and twenty years.”<sup>180</sup> In sum, Burke’s defense of his pension in *Letter to a Noble Lord* relies on his assertion that he admirably served the British government and the English community at large, and that this service was demonstrated, at least in part, by his comprehensive analysis of political economy in Parliament.

Was Burke correct in his self-assessment that he was an astute thinker on economic issues? As a member of Parliament, Burke’s investigation of political economy stretched beyond his Economical Reform Bill and Civil List Bill, and indeed dates back to his earliest

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<sup>175</sup> Langford, *Writings and Speeches*, IX, 160.

<sup>176</sup> See, among many, Jacob Viner’s “Guide to John Rae’s *Life of Adam Smith*” in John Rae, *Life of Adam Smith* (New York: Augustus M. Kelley, 1965), 25; Canavan, *Political Economy*, 116-17; Petrella, “Edmund Burke and Classical Economics,” 4; and Muller, *Mind and the Market*, 115. See also *The Monthly Review*, vol. XIX (London: R. Griffiths, 1796), 315n.

<sup>177</sup> The relationship between Burke and Smith will be addressed in “Burke and Adam Smith,” Chapter 4.

<sup>178</sup> Langford, *Writings and Speeches*, IX, 158.

<sup>179</sup> See Lock, *Edmund Burke*, vol. I, 454-55.

<sup>180</sup> Langford, *Writings and Speeches*, IX, 160.

years as a representative. Burke did not exaggerate too much when he claimed in *Letter to a Noble Lord* that he had dedicated himself to analyzing the “whole commercial, financial, constitutional, and foreign interests of Great Britain and its empire” in his first session in Parliament. Right after he took office in the House of Commons as a representative for Wendover in January 1766, Burke immediately submerged himself into the debate surrounding imperial commerce in the British Empire. Burke ended up playing a critical role in helping the Rockingham ministry pass a law on 6 June 1766 that liberalized trade markets between Britain’s North American colonies and the British West Indies.<sup>181</sup> Charles Lee, an officer in the British Army and later major general of the American colonies’ Continental Army, wrote in December of that year that “[a]n Irishman, one Mr. Burke, is sprung up in the House of Commons, who has astonished every body with the power of his eloquence, his comprehensive knowledge in all our exterior and internal politics and commercial interests.”<sup>182</sup> Six years later, in a House debate on the export bounty on corn, Burke gave an “excellent speech” that was “full of that knowledge which he possesses of these matters; and explained, with that distinction of he is master, both the effect of supply and trade...”<sup>183</sup> Two years after that, in his first election speech to voters at Bristol, Burke

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<sup>181</sup> See “The Free Port Act of 1766,” Chapter 5. Burke most likely had in mind legislation in his quotation above in *Letter to a Noble Lord*, published in 1796, when he said that the House of Commons had “been witness to [the effect of Burke’s studies of political economy], and has profited of them more or less for above eight and twenty years.” Twenty-eight years prior to 1796 would have been 1768, two years after the West Indies trade bill passed, which fits within Burke’s “more or less” range. Burke, however, did exaggerate the novelty and range of the Rockingham administration’s 1765-66 legislative achievements. See Langford, *The First Rockingham Administration 1765-1766* (London: Oxford University Press, 1973), 266-67; and Lock, *Edmund Burke*, vol. I, 226

<sup>182</sup> Edward Langworthy, ed., *Memoirs of the Life of the Late Charles Lee, Esq.* (London: J.S. Jordan, 1792), 297.

<sup>183</sup> *Cobbett’s Parliamentary History of England*, vol. XVII (London: T.C. Hansard, 1813), 479.



admitted commerce “has ever been a particular and a very favorite object of my study, in its principles, and in its details.”<sup>184</sup>

Contemporary accounts tracing back as early as 1759, seven years before Burke entered Parliament, suggest that his knowledge and command of economic subjects was authoritative. In September of that year, William Markham, a friend of Burke at the time, wrote a letter to the Duchess of Queensbury in which Markham said that “[Burke’s] chief application has been to the knowledge of public business, and our commercial interests; that he seems to have a most extensive knowledge, with extraordinary talents for business...”<sup>185</sup>

James Boswell’s *Life of Johnson* includes an anecdote conveyed by Dr. Samuel Johnson in 1777 in which British statesman Richard Jackson<sup>186</sup> told Dr. Johnson that “there was more good sense upon trade in [Johnson’s account of his journey to the Western Islands of Scotland], than he should hear in the House of Commons in a year, except from Burke.”<sup>187</sup>

Dr. Johnson said of Burke, “Take up whatever topick you please, he is ready to meet you.”<sup>188</sup>

Burke’s interest in rural economics was also observed by contemporaries. According to biographer James Prior, Burke

surprised a distinguished literary and political character who about this time paid him a visit, by entering into a history of rural affairs, of the rents, taxes, and the variations in the poor’s rates of fifty parishes in the county during several consecutive years; as well as the improvements adopted by the neighbourhood in tillage and grazing—

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<sup>184</sup> Paul Langford, ed., *The Writings and Speeches of Edmund Burke*, vol. III, *Party, Parliament, and the American War* (Oxford: Clarendon Press, 1996), 59-60.

<sup>185</sup> William Markham to the Duchess of Queensbury, 25 September 1759, in William Stanhope Taylor and John Henry Pringle, eds., *Correspondence of William Pitt, Earl of Chatham*, I (London: John Murray, 1838), 432.

<sup>186</sup> For information on Jackson, see “Jackson, Richard,” in Sidney Lee, ed., *Dictionary of National Biography*, vol. XXIX (London: Smith, Elder, & Co., 1892), 104-05.

<sup>187</sup> James Boswell, *The Life of Samuel Johnson, L.L.D.*, vol. III (London: George Routledge and Sons, 1866), 92.

<sup>188</sup> James Boswell, *The Life of Samuel Johnson, L.L.D.*, vol. IV (London: John Murray, 1866), 351.

all with the fulness of a farmer who had little else to attend to, though it might be supposed that the contentions attendant on public life, had left little time for retaining such details.<sup>189</sup>

Contemporary testimonials, and Burke's meticulous study of issues relating to political economy, still did not qualify him as a professional economist. (Of course, professional economists were a rare breed at the time, since economics was a nascent science in the eighteenth century.) Burke did not write about, nor think about, political economy as exhaustively as contemporaries Adam Smith or Josiah Tucker. Burke never wrote his own *Wealth of Nations*, or, for that matter, his own *Four Tracts on Political and Commercial Subjects*, as Tucker had.<sup>190</sup> As mentioned, his principal economic writing, *Thoughts and Details*, is short and addressed a particular historical situation.

In addition, while some of Burke's economic arguments were fresh and distinctive, others were not original nor elaborated upon in great detail. The depth of Burke's mastery of economic issues also varied. He displayed a strong understanding of supply and demand laws for the time period, and was attentive to the commercial virtues that arose from voluntary market transactions. Yet he did not follow through on some of the implications of his economic theory, such as whether asymmetric information between the seller and the buyer made buyers more prone to price manipulation in the eighteenth century. And evidence suggests that his knowledge of public finance, at least early in his parliamentary career, was not rigorous. Member of Parliament Sir George Colebrook observed, for instance, that Burke "did not pretend to understand finances, and would not enter on the

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<sup>189</sup> Prior, *Life of Edmund Burke*, 421. Remember that Prior is favorable to Burke in his biography of him.

<sup>190</sup> Josiah Tucker, *Four Tracts on Political and Commercial Subjects*, 2<sup>nd</sup> ed. (Glocester: R. Raikes, 1774), <http://oll.libertyfund.org/titles/tucker-four-tracts-on-political-and-commercial-subjects>.

subject.”<sup>191</sup> In his *Observations on a Late State of the Nation*, published in 1769, Burke most likely relied on arguments relating to finance and taxes presented by William Dowdeswell, who had served as Chancellor of the Exchequer in the Rockingham administration.<sup>192</sup>

Nevertheless, Burke’s consistent theoretical and practical engagement with political economy—as a writer on commercial affairs, a legislator in Parliament, and a farmer—attests to a thoughtfulness that transcended a mere passing fancy in economic issues. He demonstrated impressive knowledge on matters relating to commerce, markets, landed property, and public finance in a host of speeches and writings, including *Thoughts and Details* (1795); *Reflections* (1790); *Tracts Relating to Popery Laws* (1765); his statements on the *Nullum Tempus* affair (1768); *Observations on a Late State of the Nation* (1769); *Speech on American Taxation* (1774); *Speech on Conciliation with America* (1775); *Two Letters on the Trade of Ireland* (1778); *Sketch of a Negro Code* (1780); and *Ninth Report of Select Committee* (1783). As the following analysis will show, political economy tugged at his mind, for he held a genuine fascination for and appreciation of the interplay between politics and economics. Even though he was not a professional economist, Burke’s reflective attitude on economic phenomena, reinforced by the contemporary recognition of his economic literacy and the authority he commanded in Parliament, signals that his commentary of political economy should be taken seriously.

## **b. Historical Background and Context**

Burke’s primary economic tract, *Thoughts and Details on Scarcity*, offers his most impassioned statement on the character of market economies. In it he presents a robust defense of generally unhindered commercial activity and the mutual advantages of voluntary

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<sup>191</sup> Langford, *Writings and Speeches*, IX, 106.

<sup>192</sup> Langford, *Writings and Speeches*, IX, 106.

economic transactions. Before exploring his arguments, however, it would be helpful to situate the tract in its proper historical context. This will help us understand the circumstances that impelled Burke to write it and its relevance to his broader corpus of writings.

*Thoughts and Details* was not a systematic treatise. Its genesis was a private letter written at the behest of War Secretary Henry Dundas and later distributed to William Pitt the Younger,<sup>193</sup> England's First Lord of the Treasury, the *de facto* prime minister, in early November 1795.<sup>194</sup> Dundas and Pitt were interested in Burke's thoughts on the high cost of corn and other economic hardships. At the time, England was groaning under the weight of severe socioeconomic stresses stemming from the feeble harvests of 1794 and 1795, war, famine, and the rising cost of food provisions.<sup>195</sup> Table 3.1 shows the spike of wheat prices in 1795 and 1796. They increased over fifty percent from 1794 to 1796.<sup>196</sup>

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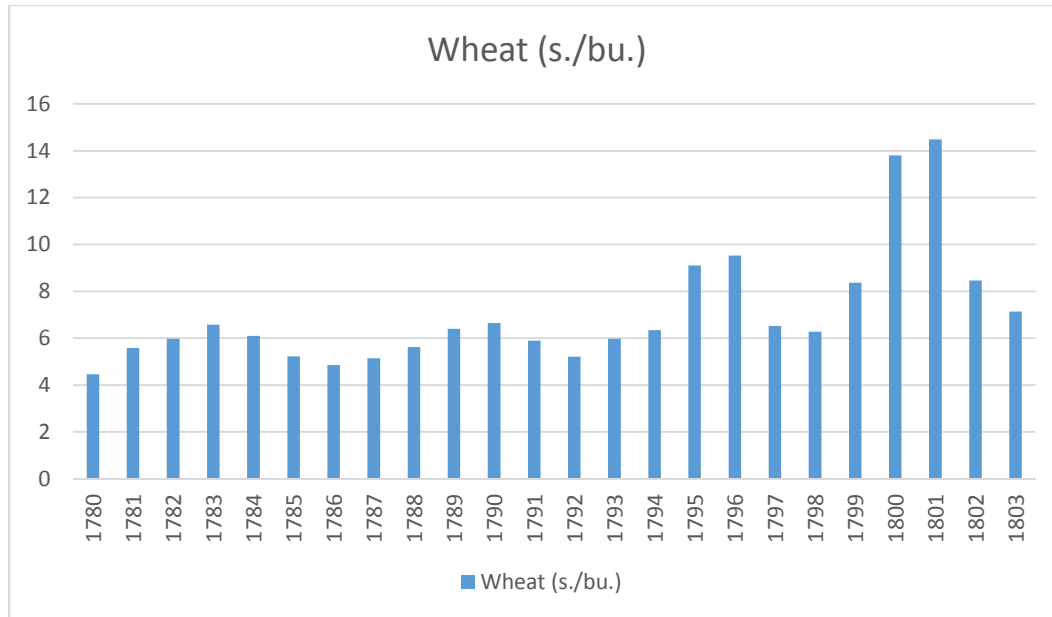
<sup>193</sup> Burke to William Pitt, 7 November 1795, in R.B. McDowell, ed., *The Correspondence of Edmund Burke*, vol. VIII (Cambridge: Cambridge University Press, 1969), 337-38.

<sup>194</sup> Langford, *Writings and Speeches*, IX, 119.

<sup>195</sup> See Roger Wells, *Wretched Faces: Famine in Wartime England, 1793-1801* (New York: St. Martin's Press, 1988) for a bleak picture of this time period.

<sup>196</sup> According to Gregory Clark, wheat cost 6.34 shillings per bushel in 1794 and 9.53 shillings per bushel in 1796. Note in the chart that wheat prices increased even more in 1800, when *Thoughts and Details* was first published, and in 1801.

Table 3.1 Wheat Prices, 1780-1803



*Source:* Gregory Clark, University of California Davis,  
<http://faculty.econ.ucdavis.edu/faculty/gclark/data.html>.

Charles James Fox, the distinguished Whig politician from whom Burke split after Fox's public expression of support for the French Revolution, said in Parliament on November 3, 1795: "It is indeed a melancholy and alarming fact, that the great majority of people in England—an enormous and dreadful majority—are no longer in a situation in which they can boast that they live by the produce of their labour..."<sup>197</sup> Historian Donald Grove Barnes wrote of this period, "...[T]he suffering experienced by the lower classes was almost unprecedented."<sup>198</sup> These strains on triggered food riots and social unrest. It was only three years after Burke drafted his economic tract that Thomas Malthus wrote his famous

<sup>197</sup> *The Speeches of the Right Honourable Charles James Fox in the House of Commons*, vol. V (London: Longman, Hurst, Rees, Orme, and Brown, 1815), 509.

<sup>198</sup> Donald Grove Barnes, *A History of English Corn Laws: From 1660-1846* (London and New York: Routledge, 2006), 72.

*An Essay on the Principle of Population*, in which he argued that the human population increases at a higher rate than the food supply, and thus would face famine and misery if not checked by positive or preventive measures.<sup>199</sup>

Legislators and citizens offered a slew of policy proposals to remedy the situation. These included the government regulation of wages adjusted to the cost of living; the regulation of the corn, or wheat, trade; the establishment of public granaries; and self-imposed rationing on the part of wealthy families. Other proposed reforms included increasing potato consumption, cultivating unused land, and abandoning hair powder.<sup>200</sup>

England's modern laws regulating the corn trade were deeply ingrained in English economic policy, having dated back before the English Restoration in 1660.<sup>201</sup> The development and codification of these regulations came to be known as the "Corn Laws," which included regulations of wheat but also of other grains.<sup>202</sup> The laws created import and export duties on corn and managed the internal grain trade. Before 1660 regulations on exportation and the domestic corn industry were established with the intention of helping the consumer, but after that year they were instituted with heightened focus on the interests of producers. The corn law of 1663, for example, eliminated many restrictions in the internal trade. Grain prices were known to dance up and down, so the general object of the corn laws from 1660 to 1814-15 was to establish a stable and equitable price for both producers

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<sup>199</sup> See Thomas Malthus, *An Essay on the Principle of Population*, ed. Geoffrey Gilbert (Oxford: Oxford University Press, 2008).

<sup>200</sup> Langford, *Writings and Speeches*, IX, 25-26. See also Walter M. Stern, "The Bread Crisis in Britain, 1795-96," *Economica* 31 (1964): 168-187.

<sup>201</sup> See Barnes, *History of English Corn Laws*, 1.

<sup>202</sup> Lock, *Edmund Burke*, vol. I, 320.

and consumers.<sup>203</sup> In 1795, the British government took the bold step of buying corn abroad and distributing it to underserved areas.

In addition to regulating the grain industry, alternative ideas floated around England that were seen as possible cures to the socioeconomic difficulties facing the impoverished underclass. In May 1795, justices of the peace in Speenhamland, Berkshire, a location not too distant from where Burke's estate was located,<sup>204</sup> had created a means-tested government welfare program in which local parishes provided a subsidy to the working poor and non-working poor to meet minimum levels of subsistence.<sup>205</sup> This form of welfare relief first emerged in parishes beginning in the 1750s.<sup>206</sup> Following the Speenhamland laws, the program spread to other counties, particularly in southern rural areas where agricultural laborers were hit especially hard by the fury of economic pressures. As Gertrude Himmelfarb writes, the Speenhamland system signaled that "the problem of poverty had attained a new urgency and, more important, that the solutions themselves were becoming problematic, if only because the costs had become so burdensome."<sup>207</sup>

Broader forces beyond bad harvests worsened the socioeconomic environment of England in the late eighteenth century. Industrialization, population growth, international trade, and commercialization scraped up against each other, producing ugly stresses and permutations in English civil society. This phenomenon generated high levels of discord amongst different social classes, like volatile chemicals trapped in an impenetrable bubble.

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<sup>203</sup> Barnes, *History of English Corn Laws*, xiv-xv.

<sup>204</sup> Today it would take around an hour to drive from Beaconsfield, near where Burke's estate was located, to Berkshire.

<sup>205</sup> See Himmelfarb, *Idea of Poverty*, 65-66 and 84.

<sup>206</sup> Steven King, *Poverty and Welfare in England, 1700-1850* (Manchester: Manchester University Press, 2000), 34.

<sup>207</sup> Himmelfarb, *Idea of Poverty*, 66.

England's and Wales's population grew eight percent from 1701 to 1750, and thirty-four percent from 1761 to 1800.<sup>208</sup> (See Table 3.2.) By the mid-1760s at the latest, England, long an exporter of grain, became a net importer.<sup>209</sup> The percentage of imports that were grains rose from under one percent in 1772 to 4.4 percent in 1790 and 8.7 percent by 1800.<sup>210</sup> In general, agricultural productivity in England struggled from 1740 to 1790, after flourishing between 1660 to 1740.<sup>211</sup>

Table 3.2 Population Data, English and Wales, 1701-1850

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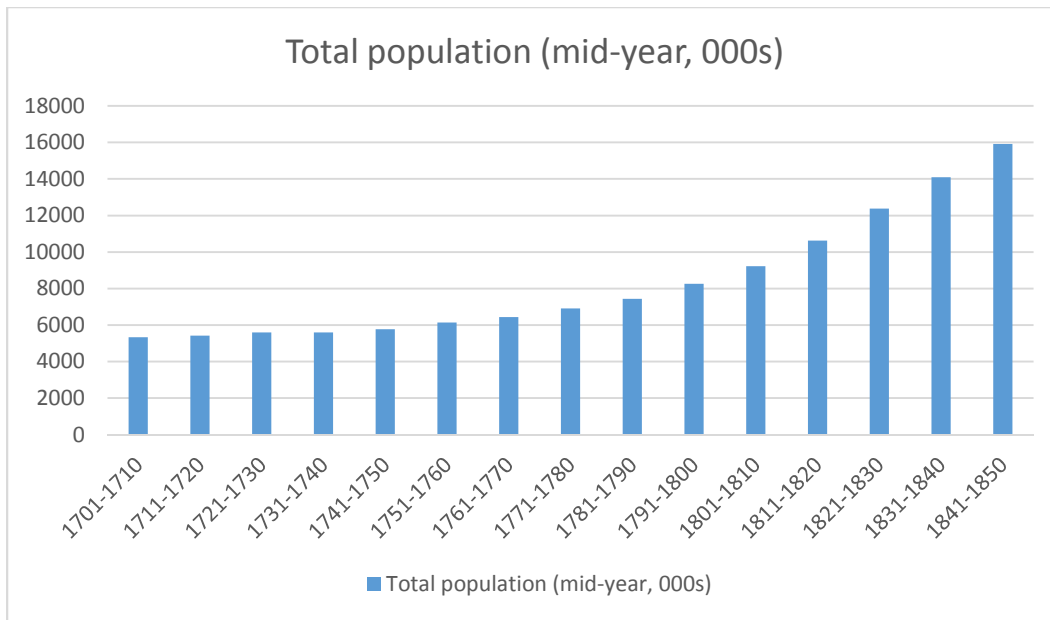
<sup>208</sup> Joel Mokyr, *The Enlightened Economy: An Economic History of Britain 1700-1850* (New Haven, CT: Yale University Press, 2009), 281. The following population figures in mid-year were used to calculate the percent increases: 5,334,000 in the 1701-1710 time period; 5,782,000 (1741-1750); 6,149,000 (1751-1760); and 8,256,000 (1791-1800). The population grew even faster from 1801 to 1850.

<sup>209</sup> B.R. Mitchell, *British Historical Statistics* (Cambridge: Cambridge University Press, 1988), 221. Britain had more wheat imports than exports in the late 1750s, but reliable data isn't available from 1759 to 1764. As Mitchell shows, Britain was clearly importing far more than exporting wheat in 1765, and again in 1767 and 1768. See also Koehn, *Power of Commerce*, 49; and M.E. Turner, J.V. Beckett, and B. Afton, *Agricultural Rent in England, 1690-1914* (Cambridge: Cambridge University Press, 2002), 233.

<sup>210</sup> Roderick Floud and Donald McCloskey, eds., *The Economic History of Britain since 1700*, vol. I, 1700-1860 (Cambridge: Cambridge University Press, 1981), 92.

<sup>211</sup> Wally Seccombe, *A Millennium of Family Change: Feudalism to Capitalism in Northwestern Europe* (London and New York: Verso, 1995), 203.





Source: Mokyr (2009).

The additional historical contingency that loomed over *Thoughts and Details* was France's efforts to alleviate its own harsh economic hardships, including the rising cost of provisions. The country was experimenting with the idea of *dirigisme*, which stems from the Latin word *dirigere*, meaning "to direct." *Dirigisme* was a system of government intervention in which the state managed economic activity through the allocation of resources, the establishment of commercial regulations, and the control of businesses. One conspicuous example of this French model was the order from Jean-Baptiste Colbert, the minister of finances under Louis XIV, in 1666 mandating that fabrics from Dijon and Selangey contain 1,408 threads—no more, and no less.<sup>212</sup>

<sup>212</sup> See Ben Clift, "The French Socialists, *Dirigisme* and the Troubled Europeanisation of Employment Policy," in *The French Exception*, eds. Emmanuel Godin and Tony Chafer (New York: Berghahn Books, 2005), 106. Also see Robert L. Heilbroner, *The Worldly Philosophers: The Lives, Times, and Ideas of the Great Economic Thinkers* (Simon & Schuster, 2011), 23; and Vivien A. Schmidt, "Economic Development in France:

Under the framework of *dirigisme*, the French assembly had attempted to control economic activity in 1793 by regulating the cost of the grain supply and redistributing provisions.<sup>213</sup> British newspapers reported these measures to English readers starting in September 1793.<sup>214</sup> Some in England became enamored by the regulatory policies, enough so that Burke was worried that the allure of *dirigisme* would charm enough English followers into championing similar regulations in the country in the 1790s through a national policy of wealth redistribution. In this historical context, then, one can interpret *Thoughts and Details* not simply as an exposition of Burke's economic doctrine but also, like *Reflections*, as a cautionary attempt to alert the English to what Burke believed was the radical egalitarianism lurking within Jacobin economic policies.

On 9 December 1795, a minimum wage bill was introduced in Britain's House of Commons by Samuel Whitbread.<sup>215</sup> The bill would have amended the Statute of Artificers of 1563, an Elizabethan Act that established a wide range of government regulations impacting the England's labor market. In effect, the Elizabethan law shifted the locus of regulatory authority over employment and wages from traditional guilds to the state.<sup>216</sup> Whitbread's bill, which failed due to parliamentary reluctance to control wages and Pitt's promise to draft a

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From State-Directed to Market-Oriented Economy?" in *Handbook of Economic Development*, ed. Kuotsai Tom Liou (New York: Marcel Dekker, Inc., 1998), 427-50.

<sup>213</sup> Bourke, *Empire & Revolution*, 888-89.

<sup>214</sup> Bourke, *Empire & Revolution*, 888-89.

<sup>215</sup> Whitbread, ironically enough, was sympathetic to Adam Smith's economic philosophy. See Emma Rothschild, "Adam Smith and Conservative Economics," *The Economic History Review* 45 (1992): 84.

<sup>216</sup> See Donald Woodward, "The Background to the Statute of Artificers: The Genesis of Labour Policy, 1558-63," *The Economic History Review* 33 (1980): 32-44; and E.K. Hunt and Mark Lautzenheiser, *History of Economic Thought: A Critical Perspective*, 3<sup>rd</sup> ed. (Armonk, NY: M.E. Sharpe, 2011), 22.

new poor law,<sup>217</sup> would have granted authority to justices of the peace to set the minimum wage rates of agricultural workers. (Whitbread later reintroduced the bill in 1800, but it failed to pass again.) Fox had previously opposed regulating wages, but this time he threw his support behind the bill. Pitt opposed the measure, saying that free market principles should be allowed to operate unimpeded.<sup>218</sup>

This parliamentary debate about wage rates may have triggered Burke to revise and build upon the original draft of *Thoughts and Details* with an eye toward publication. Eight days after Whitbread's bill was introduced, the *Oracle*, a British newspaper, announced that a letter from Burke to friend and agricultural economist Arthur Young would be "speedily" published regarding the "projects talked of in Parliament for an increase of Wages to Day Labourers in Husbandry and other topics of rural economy."<sup>219</sup> A year later, in his *Third Letter on a Regicide Peace*, Burke wrote that a recent writing of his on the role of government intervention in industry "may yet see the light..."<sup>220</sup>

The final version of *Thoughts and Details* was collated by Burke's editors and published in 1800, three years after Burke passed away, at a time when rising provisions costs again provoked public debate over the role of state intervention in the agricultural economy.<sup>221</sup> It

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<sup>217</sup> See Samantha Williams, *Poverty, Gender and Life-Cycle Under the English Poor Law 1760-1834* (Woodbridge, UK: The Boydell Press, 2013), 94.

<sup>218</sup> See Rothschild, "Adam Smith and Conservative Economics," 85.

<sup>219</sup> Eccleshall, *English Conservatism*, 75. *The Piozzzi Letters*, the correspondence of eighteenth-century writer Hester Lynch Piozzzi, reports that the announcement was also published in the *London Chronicle*. See Edward A. Bloom and Lillian D. Bloom, eds., *The Piozzzi Letters: Correspondence of Hester Lynch Piozzzi, 1784-1821 (Formerly Mrs. Thrall)*, vol. II, 1792-1798 (Newark, DE: University of Delaware Press, 1991), 293, note 6.

<sup>220</sup> Langford, *Writings and Speeches*, IX, 355. Burke had begun writing *Third Letter on a Regicide Peace* by the end of 1796, a little more than a year after he first started drafting his memorandum on economics. See Langford, *Writings and Speeches*, IX, 119, 296-97.

<sup>221</sup> See Table 3.1.

combined his original memorandum to Dundas and Pitt with three fragments of his letter to Young.<sup>222</sup> Young generally embraced market liberalism, but in this instance he expressed support for the government regulation of wages, which perhaps explains why Burke chose to write his letter to Young.<sup>223</sup>

*Thoughts and Details* was not as impactful as Burke's other writings and speeches, but it did command some influence according to the editors of the publication in 1800. It was "believed at the time," they wrote, that it was "not wholly unproductive of good."<sup>224</sup> It had been "communicated" to "several members of the King's Government..."<sup>225</sup> Burke's preferences for government restraint were carried out. The parliamentary inquiry into corn was "silently dropped."<sup>226</sup> Ministers tried to "repres[s]," or at least "moderate and divert," the excited cries from MPs calling for regulatory legislation.<sup>227</sup> The idea of public granaries was "abandoned."<sup>228</sup> In addition, the editors noted that a proposal to limit forestalling—a trading practice Burke defended in his parliamentary career<sup>229</sup>—was defeated as well.<sup>230</sup>

The substance of *Thoughts and Details* will be examined according to theme in the following two chapters, and will be referenced in other chapters as well. Burke's commentary on economic activity that appear elsewhere in his body of writings and speeches will also be addressed when appropriate. The focal source of reference for now will be *Thoughts and*

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<sup>222</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>223</sup> Lock, *Edmund Burke*, vol. I, 514.

<sup>224</sup> Edmund Burke, *Thoughts and Details on Scarcity, originally presented to the Right Hon. William Pitt, in the month of November 1795* (London: F. and C. Rivington, 1800), xi.

<sup>225</sup> Burke, *Thoughts and Details*, xi.

<sup>226</sup> Burke, *Thoughts and Details*, xi.

<sup>227</sup> Burke, *Thoughts and Details*, xi.

<sup>228</sup> Burke, *Thoughts and Details*, xi.

<sup>229</sup> See "The 1772 Repeal of Statutes Banning Forestalling, Regrating, Engrossing," Chapter 5.

<sup>230</sup> Burke, *Thoughts and Details*, xi.

*Details*, however, because it was his only writing that was devoted exclusively to economics, and because it contains some of his deepest reflections on the mechanics of market phenomena.

The tract's prose is not the clearest indication of Burke's writing abilities. It is oftentimes scattered, jumbled, and pedantic, and Burke himself admitted that it was "(hurriedly) scribbled."<sup>231</sup> The purpose of the thematic structure, therefore, is to provide *Thoughts and Details* with a coherence and lucidity in order to apprehend the patterns of Burke's economic thought. In this light, the first four themes in the economic tract that this dissertation will address are: 1) the role of government in market economies; 2) the laws of supply and demand, wages, and price theory; and 3) labor, the laboring poor and the duties of the rich; and 4) equality. The following analysis will sprinkle in commentary on Burke's place in intellectual history and the gaps in his economic logic, but its foremost methodological purpose is to explain Burke's thought.

### **c. The Role of Government in Market Economies**

Burke's doctrine of political economy in *Thoughts and Details* is an endorsement of market liberty, limited government intervention in commercial and employment transactions, and the mutually beneficial advantages that derive from the flow of commerce and free labor contracts. Before proceeding, it must be noted that Burke never uses the word "capitalism" or its related terminology to describe what today we would generally characterize as "free market capitalism," "laissez-faire capitalism," or "competitive capitalism." The contemporary

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<sup>231</sup> Burke to William Pitt, 7 November 1795, in *The Correspondence of Edmund Burke*, vol. VIII, *September 1794–April 1796*, ed. R.B. McDowell (Cambridge: Cambridge University Press, 1969), 337.

vocabulary of market freedom hadn't adopted the word yet; "capitalism," according to economic historian Fernand Braudel, was first employed in the mid-19th century by antagonists of market economies, such as Louis Blanc and Pierre-Joseph Proudhon.<sup>232</sup> Thus, when Burke died in 1797, he had not witnessed the full might of industrialization with which modern "capitalism" is associated. For the purposes of this study, therefore, the terms "market economy," "market liberalism," and similar phrases—and not "capitalism"—will be used.

In *Thoughts and Details*, Burke expresses vehement opposition to state intervention in the domestic agricultural economy. He explicitly disapproves of parliamentary efforts to establish a new minimum wage, and regulate wages in general; dictate contractual agreements between farmers and laborers; and establish public granaries. The thrust of Burke's argument is that market economies and commercial relations flourish best when the scope of government involvement in the economy is limited.

Burke's very first statement in the tract cautions against state intrusion into the circulation of food and goods. "Of all things, an indiscreet tampering with the trade of provisions is the most dangerous," he writes, "and it is always worst in the time when men are most disposed to it: that is, in the time of scarcity."<sup>233</sup> The force of the statement is conspicuous, particularly in light of contemporary portrayals of Burke as a prudential thinker. (Note, however, that in modifying "tampering" with "indiscreet," he suggests that there might be room for "discreet" government intervention in the economy.) In short,

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<sup>232</sup> See Fernand Braudel, *The Wheels of Commerce: Civilization & Capitalism 15<sup>th</sup>-18<sup>th</sup> Century*, vol. II, trans. Sian Reynolds (New York: Harper & Row, Publishers, 1982), 237. Werner Sombart later used it famously in 1902 in *Der modern Kapitalismus* (Berlin: Duncker & Humblot, 1902).

<sup>233</sup> Langford, *Writings and Speeches*, IX, 120.

Burke immediately displays an allergic reaction to the idea that government can effectively channel provisions to where they are needed, especially in times of economic dislocation.

In fact, the first three paragraphs of Burke's memorial could be confused with passages from John Locke's *Two Treatises of Government*, in which Locke asserted that government existed to preserve and protect man's life, liberty, and estate.<sup>234</sup> "The great use of Government is a restraint," Burke insists.<sup>235</sup> He continues in the next paragraph:

To provide for us in our necessities is not in the power of Government. It would be a vain presumption in statesmen to think they can do it. The people maintain them, and not they the people. It is in the power of Government to prevent much evil; it can do very little positive good in this, or perhaps in any thing else.<sup>236</sup>

Similarly, Locke writes in his *Second Treatise*, "The great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is *the preservation of their Property*."<sup>237</sup> These conceptions of the state appear to signify an acute departure from the classical understanding of the state as an instrument to promote virtue and secure the good life.<sup>238</sup> In Plato's *Laws*, the Athenian Stranger says, "We do not hold as the many do, that preservation and mere existence are what is most honorable for human beings; what is most honorable is for them to become as excellent as possible and to remain so for as long a time as they may exist."<sup>239</sup> Yet the message from Burke in this instance is clear: it is not the within the capability of government to provide people with food, clothing, and shelter. It can

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<sup>234</sup> John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1993), 350-01.

<sup>235</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>236</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>237</sup> Locke, *Two Treatises*, 350-51.

<sup>238</sup> Aristotle, *Politics*, 59.

<sup>239</sup> Thomas L. Pangle, trans., *The Laws of Plato* (Chicago: The University of Chicago Press, 1988), 92-93.

restrain vice, but it cannot generate broader social goods. The tenor of these comments, at least at face value, is in strong harmony with Lockeanism.

If there is indeed an indissoluble link between Burke's and Locke's economic commentary, the consequences are enormous for how we understand Burke's political philosophy. Burke and Locke are often painted in contrast, with Burke serving as the advocate of civil society, social associations, and practical reason and Locke the champion of natural rights, individualism, and abstract rationality. If *Thoughts and Details* exposes a side of Burke that deviates sharply from *Reflections*, then Burke's thought would appear to be in closer harmony to the earlier form of Lockean secular classical liberalism than classical liberalism's later, more conservative expressions as presented in the thought of Alexis de Tocqueville and Baron de Montesquieu.

There is a distinction, however, that should caution observers not to conflate Burke's advocacy of government restraint here with Lockeanism. Burke's reference to the inadequacy of the "power" of the state raises the question of whether he thinks government *should* not intervene in economic affairs, a normative claim, or whether he thinks government, even if it does intervene, is capable of furnishing a common good, a pragmatic claim. Burke never confronts nor resolves this question in *Thoughts and Details*; in some sections he flirts with the former proposition, and in other sections the latter.

The excerpt above demonstrates this tension. On one hand, Burke, by linking the legitimacy of rulers with the consent of the people ("The people maintain them, and not they the people"), suggests that popular sovereignty is the normative foundation on which to oppose attempts by statesmen to regulate the economy. This insight does provide ammunition to a Lockean interpretation of Burke's initial section of *Thoughts and Details*. Under this reasoning, the river of legitimate political authority flows upward, starting with



the consent of citizens and ending with the decision-making responsibilities of statesmen, whose exercise of power is driven by the moral imperative to protect the interests of the former. Similarly, for Locke, government *should* not intrude in economic activity because doing so would violate man's natural right to cultivate his property, a normative argument rooted in a firm rationalist foundation.

But there is an inescapable touch of Burke's pragmatism in the aforementioned excerpt that indicates a divergence away from Locke's *Second Treatise*. Rather than appealing to popular sovereignty, Burke could be making a slightly more practical claim about the dignity of men and women: the people should not rely on the arbitrary discretion of rulers to provide them with provisions because they are not animals to be shepherded around but flesh-and-blood human beings to be respected. More so, his practical argument about the constraints of government to provide for people's necessities shines through when he says, "It would be a vain presumption in statesmen to think they can do it" and "[I]t can do very little positive good in this, or perhaps in any thing else." These comments suggest that the size of government in economic affairs should be curbed not because of the moral imperative to maximize people's freedom but because of the empirical reality that the state struggles to efficiently allocate provisions. In addition, Burke's phrase "vain presumption" intimates that government officials do not possess sufficient knowledge, wisdom, or foresight to effectively steer resources toward where they are need most.<sup>240</sup> This is another practical implication Burke insinuates in order to justify government restraint.

Burke's departure away from Locke is further evidenced by the fact that Burke does not fully endorse Locke's abstract natural rights doctrine, and that Burke rebuked English

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<sup>240</sup> See "Rationalism and the Hayek Connection," Chapter 4.

dissenter Richard Price in *Reflections* for asserting the Lockean doctrine of popular sovereignty in the context of the Glorious Revolution. More so, Burke, unlike Locke, stressed that government *could* play a salutary, active role in matters relating to political economy. Immediately before his statement claiming that the provision of necessities is not within the power of government, Burke writes that in times of economic distress and faction, “the first thing” that government should do is give people “information,” and then “timely coercion.”<sup>241</sup> Therefore, the first will “guide our judgment” and the second will “regulate our tempers.” Burke suggests here that government has a responsibility to provide accurate information to the people about public affairs so they can make informed judgments about economic issues, and that government should exercise its coercive power in order to cool social unrest and uphold the rule of law.

In outlining these responsibilities of the state, Burke has in mind the frenzied exhortations at the time from factions of the poor and legislators urging for the government to regulate the grain trade and agricultural employment contracts. Thus, by providing reliable information about the health of economic affairs, and by enforcing the law, the government could promote civil order. Burke, however, never specifics in *Thoughts and Details* what kind of information the state should disseminate, or who would disseminate it. Would it be legislators, or executive officials, or judges? When would they reveal the information? How would they reveal it?

Locke’s conception of the rule of law in the *Second Treatise* is in harmony with Burke’s statement about government acting as a restraint through “timely coercion,” since judges for Locke occupy an indispensable role in civil society in acting as a mediator in disputes

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<sup>241</sup> Langford, *Writings and Speeches*, IX, 120.

between competing parties. Yet, unlike Burke, Locke never writes in the *Second Treatise* that government should also act as a conduit for information to the people. And Locke does not defend the state establishment of religion, as Burke does later in *Thoughts and Details*.

Therefore, Burke's early comments in his memorial about government intervention come into contact with Lockean classical liberalism, but they do not fully align with Locke's more normative claims about the primacy of natural rights in limiting the size and scope of the state. Instead, Burke exhibits a more pragmatic orientation in understanding the connection between government officials and the people, resting more on an unresolved blend of normative and empirical observation than on Lockean rationalism. Based off this approach in the initial section of *Thoughts and Details*, then, Burke's economic thought preaches an ethic of restraint: lawmakers should act with humility when considering state intervention because of government's inherent limitations in supplying provisions in an efficient manner.

In light of his opposition to state intervention in the market, it is no surprise that Burke completes his tract with how he starts it: by cautioning against excessive government involvement in economic activities. "My opinion is against an over doing of any sort of administration," Burke declares, "and more especially against this most momentous of all meddling on the part of authority; the meddling with the subsistence of the people."<sup>242</sup> The provisions trade is a delicate creature, and rash attempts to disturb the smooth operation of market principles will aggravate socioeconomic hardships. By bookending *Thoughts and Details* with warnings about government regulation of agricultural provisions, Burke cements

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<sup>242</sup> Langford, *Writings and Speeches*, IX, 145.

his theoretical argument in favor of economic liberalism and limited state intervention in market activities. That insight is one pillar, the first pillar, in his economic thought.

#### **d. The Laws of Supply and Demand, Wages, and Price Theory**

Burke proceeds from his general, theoretical opening comments about the merits of limited government in *Thoughts and Details* to his more pointed insights later in the letter into the laws of supply and demand of market economies. Burke recognizes and praises these laws. And he advocates for government restraint partly because state entanglement in the natural dispersion of goods would grossly violate the laws, in his judgment. “The moment that Government appears at market, all the principles of market will be subverted,” he writes in his discussion opposing the establishment of public granaries.<sup>243</sup>

Burke’s embrace of supply and demand laws can be grasped through his conception about labor. Burke understands labor not as a static activity, frozen in time, but as a “commodity”—something that can be traded—which, “like every other, and rises or falls according to the demand.”<sup>244</sup> This statement forms part of Burke’s response to the contemporary argument, raised in Parliament and other contemporary forums of public discourse, that laborers’ wage rates had not grown concomitantly with the rise in the price of provisions. Burke insists that wages had been increased twice in his lifetime, and had more than met the cost of provisions within the previous twenty years, the latter claim still being contested by economic historians.<sup>245</sup> Hence Burke maintains that the wage hikes had bore “a

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<sup>243</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>244</sup> Langford, *Writings and Speeches*, IX, 122.

<sup>245</sup> For a challenge to Burke’s claim, see, for example, Seccombe, *A Millennium of Family Change*, 203: “Nominal wage hikes did not keep pace with food price increases over the last six decades of the eighteenth century.” Generally, agricultural wages grew significantly in the last half of the eighteenth century. But their purchasing

full proportion to the result of their labour.”<sup>246</sup> This statement introduces his belief in *Thoughts and Details* that the salary of a worker should be proportional to his toil.

Burke then stresses his opposition to the idea of a minimum wage by employing a metaphor to demonstrate, from his perspective, the hazards of increasing wages even higher:

If we were wildly to attempt to force [wages] beyond [the result of their labour], the stone which we had forced up the hill would only fall back upon them in a diminished demand, or, what indeed is the far lesser evil, an aggravated price of all the provisions, which are the result of their manual toil.<sup>247</sup>

Burke’s beliefs about supply and demand laws—what Burke calls the “laws of commerce”<sup>248</sup>—scream out here in stark terms: raise the wage above a certain threshold, and the result would be a decrease in the demand for labor, a fundamental premise of supply and demand principles.<sup>249</sup> Since labor would become more expensive for the employer, he would be less likely to hire the worker. The additional consequence of wage increases, Burke writes,

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power was more limited because prices also increased. Real wages, then, grew moderately at best, and, in the period of 1795-96, may have decreased in some areas. See Langford, *Writings and Speeches*, IX, 122n1. But also see M.W. Flinn, “Trends in Real Wages, 1750-1850,” *The Economic History Review* 27 (1974): 395-413. See page 408: “Contrary to the very commonly made generalization that rapidly rising prices tended to erode real wages during the French Wars, it seems that for many groups of workers...wage rates in general broadly kept pace with rising prices.”

<sup>246</sup> Langford, *Writings and Speeches*, IX, 123. In arguing in favor of the minimum wage, Whitbread had used Richard Price’s index detailing the cost of provisions. From this information Whitbread determined prices had significantly exceeded wages. See Raymond G. Cowherd, “The Humanitarian Reform of the English Poor Laws from 1782 to 1815,” *Proceedings of the American Philosophical Society* 104 (1960): 335.

<sup>247</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>248</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>249</sup> See Thomas Sowell, *Basic Economics* (New York: Basic Books, 2004), 163. For a different perspective, see David Card and Alan B. Krueger, *Myth and Measurement: The New Economics of the Minimum Wage* (Princeton, NJ: Princeton University Press, 2016). “One of the main conclusions of our work was that moderate increases in the minimum wage have little or no effect on employment.” See page xvi.

is that the price of food would swell as well, leading to inflation.<sup>250</sup> To protect against these pernicious effects, Burke says later in *Thoughts and Details* that labor “must be subject to all the laws and principles of trade...”<sup>251</sup> because it is an article of exchange rather than an activity immune from market forces. Consequently, the laws of supply and demand must not be distorted by “regulations foreign to them,”<sup>252</sup> which “may be totally inconsistent with those principles and those laws.”<sup>253</sup>

This was not the first time Burke connected the rate of pay with the amount of labor worked. Over twenty years prior, in a letter to Garret Nagle written on 23 August 1771, Burke had remarked, “...I have always found, that the Labour of men is nearly in proportion to their pay.”<sup>254</sup> Burke does not elaborate on this idea, but his insight about the proportional correlation between labor and salary remains central to his wage theory throughout *Thoughts and Details*.

Burke’s principle of proportionality challenged the prevailing mercantile wisdom regarding the relationship between wages and work ethic. This perspective, though not uniform and static, generally held that high wages would induce laborers to become less

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<sup>250</sup> Burke does not specify the connection between wage hikes and food prices, but he is suggesting that sellers, in order to preserve profit margins, would have to compensate for the added costs of labor by increasing the market prices of goods.

<sup>251</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>252</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>253</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>254</sup> Burke to Garrett Nagle, 23 August 1771, in *The Correspondence of Edmund Burke*, vol. II, *July 1768–June 1774*, ed. Lucy S. Sutherland (Cambridge: Cambridge University Press, 1960), 234.

attentive to their work responsibilities.<sup>255</sup> Burke, as did Adam Smith<sup>256</sup> and other lesser-known writers,<sup>257</sup> questioned this presumption by claiming that the prospect of high wage rates would motivate laborers to work more diligently, not less.

It is noteworthy, however, that Burke, in disapproving of Whitbread's minimum wage bill above, does not expressly condemn the two previous wage hikes he cites briefly. This decision can possibly be attributed to his implicit support for particular wage increases depending on historical circumstance, or to his exercise of prudence in not calling for the overturning of all existing market regulations at that time. Burke never makes clear in *Thoughts and Details* which reason explains his hesitation to criticize those two salary increases.

In addition to his theoretical pronouncements about supply and demand laws in *Thoughts and Details*, Burke appealed to experience when outlining the real-world effect of those laws on markets. "The experience of every day tells us, that where the price of labour is highest, the manufacture is able to sell his commodity at the lowest price," Burke said<sup>258</sup> in a parliamentary debate on 6 May 1778 about whether to enhance free trade between Ireland and Britain, an idea he ardently supported. In *Thoughts and Details*, he gives his supply and

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<sup>255</sup> Istvan Hont and Michael Ignatieff, "Needs and justice in the *Wealth of Nations*: an introductory essay," in Hont and Ignatieff, eds., *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1985), 4-5; and Mokyr, *Enlightened Economy*, 267-68. Note, however, that there was a strain of mercantilist thought in the eighteenth century, even before 1750, that entertained the possible benefits of high wages. See Richard C. Wiles, "The Theory of Wages in Later English Mercantilism," *The Economic History Review* 21 (1968): 113-26. Mercantilism also held that high wages would inhibit competitive prices in international markets, in turn hurting the home country's balance of trade.

<sup>256</sup> Smith writes in *Wealth of Nations*, "The liberal reward of labour...increases the industry of the common people." *Wealth of Nations*, vol. I, 99.

<sup>257</sup> A.W. Coats, "Changing Attitudes to Labour in the Mid-Eighteenth Century," *The Economic History Review* 11 (1958): 35-51.

<sup>258</sup> Langford, *Writings and Speeches*, IX, 522.

demand convictions a textured reality when he invokes his experience as a farmer and trader: “...I sold my wheat at 14.1 a load..., when at the end of the season, if I had then had any to sell, I might have got thirty guineas for the same sort of grain.”<sup>259</sup> In this particular section of the memorial, Burke displays a sharp eye and sensible acuity toward the poor quantity and quality of the crop yield in 1794 and 1795. His thorough analysis of the relationship between supply and demand laws and the crop validates the testimony from contemporaries that he was an intelligent and knowledgeable farmer.

Burke’s application of supply and demand principles becomes even more concrete in one of the most overlooked areas of *Thoughts and Details* in the secondary literature on Burke’s economic thought. The context for Burke’s remarks relates to comments made by Charles James Fox in the House of Commons in early November 1795 during a debate on rising food costs. Fox implied that the “evil” of the price increase in meat and dairy products, in addition to bread, was due to increased consumption, among “a variety of causes, complicated in their nature, and extensive in their operations.”<sup>260</sup> Burke interpreted Fox’s comments in *Thoughts and Details* as “insinuat[ing] a suspicion of some unfair practice...”<sup>261</sup> on the part of traders. Today we might call this price gouging.

Burke responds to Fox’s innuendo about price manipulation by positing that the rising cost of provisions was due to a complicated chain of factors that could not be reduced to a single cause. In a meandering but detailed breakdown<sup>262</sup> of this series of interrelated

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<sup>259</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>260</sup> *Cobbett’s Parliamentary History of England*, vol. XXXII (London: T.C. Hansard, 1818), 239.

<sup>261</sup> Langford, *Writings and Speeches*, IX, 139.

<sup>262</sup> Burke’s attention to detail in this section is evidence of his passion as a farmer. It also suggests his implicit recognition that Young, his audience in the letter, was well-versed in agricultural economics, as Young was.



events, Burke traces how the deficiency of the wheat and barley harvests in 1794 helped explain the rise in malt prices; and how the scarcity of peas, barley meal, and beans, which were used in corn countries to feed swine, led to the spike in bacon and pork prices.<sup>263</sup> He then calls attention to the law of supply and demand: “This failure of so very large a supply of flesh in one species, naturally throws the whole demand of the consumer on the diminished supply of all kinds of flesh, and, indeed, on all matters of human sustenance.”<sup>264</sup> Burke applies this reasoning to sheep and lambs as well, attributing their rise in food costs to their scarcity and low quality due to harsh environmental conditions.

The final cause of high food prices Burke discusses is the prohibition of the distillery, which had produced spirits made from wheat, malt, and barley but was banned in June 1795.<sup>265</sup> The distilling and brewing industries in the eighteenth century carried on a unique relationship with members of the agricultural economy. The industries bought malt and barley from the farms, and they also created waste products for hogs and cattle to consume as feeding-stuffs, in turn playing an integral role in the market of provisions for

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<sup>263</sup> Langford, *Writings and Speeches*, IX, 140.

<sup>264</sup> Langford, *Writings and Speeches*, IX, 140. Petrella uses this quotation to highlight Burke’s failure to discuss the idea that the rise in prices of the flesh would increase the demand for substitute goods. “What Burke did not conclude, yet could have concluded given his knowledge of demand, supply and price,” Petrella writes, “was that the price increase, greater in the case of the former good than in the case of the latter goods, would cause a change in demand for particularly and generally related goods with consequent price reactions.” See Petrella, “Edmund Burke and Classical Economics,” 49-50.

<sup>265</sup> Langford, *Writings and Speeches*, IX, 141. Whitbread, the member of Parliament who introduced the 1795 minimum wage bill, was the son of one of London’s most prominent distillers. See L.C. Thompson, “Famous Brewers: Whitbread’s Brewery, 1742-1942,” *Journal of the Institute of Brewing*, Jan.-Feb. (1943): 1-4; Dean Rapp, “Social Mobility in the Eighteenth Century: The Whitbreads of Bedfordshire, 1720-1815,” *The Economic History Review* 27 (1974): 380-394; and David R. Fisher, “Whitbread, Samuel II,” *The History of Parliament*, accessed June 9, 2016, [historyofparliament.org](http://historyofparliament.org).

Englishmen and women at the time. From the mid-1750s onward, however, the number of hogs used by distillers decreased as the industry became less competitive and duties rose.<sup>266</sup>

Burke was conscious of the indirect impact of the distillery on the rise in food costs. When the distillery was open, Burke says in *Thoughts and Details*, hogs were fed with the “waste wash”<sup>267</sup> of the distilling process and did not require the amount of corn typically used by farmers to fatten them. Burke is not explicitly clear on this point, but he seems to be suggesting that the consumption of corn did increase unnecessarily because hogs were not able to eat distillers’ waste. Hence they had to be fed corn, and subsequently prices rose to meet the increased demand (as the supply of corn had not caught up with this demand). Another implication for Burke was that the poor harvests of 1794 and 1795 enhanced the cost of country-fed hogs and the demand for other farm animals. “It is an odd way of making flesh cheap,” Burke writes, “to stop or check the distillery.”<sup>268</sup> Checking the distillery meant that fewer hogs and cattle would be nourished. British economic historian Peter Mathias identified Burke as one shrewd observer who had drawn attention to this market interaction between the closure of distilleries and the price of hogs.<sup>269</sup>

Burke outlines further uses of the distillery that contributed to commercial vigor, waste management, and revenue production. The distillery encouraged international trade, and was “of great use...to our fisheries and to our whole navigation.”<sup>270</sup> The distilling

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<sup>266</sup> See Peter Mathias, “Agriculture and the Brewing and Distilling Industries in the Eighteenth Century,” *The Economic History Review* 5 (1952): 249-57, for a review of the relationship between the distillery and brewing industries and the agricultural economy.

<sup>267</sup> Langford, *Writings and Speeches*, IX, 141.

<sup>268</sup> Langford, *Writings and Speeches*, IX, 141.

<sup>269</sup> Mathias, “Agriculture and the Brewing and Distilling Industries in the Eighteenth Century,” 253.

<sup>270</sup> Langford, *Writings and Speeches*, IX, 141.

process also used low-quality corn, malt, and barley that Burke hints would have been wasted otherwise. Finally, the consumption of alcohol generated a “great revenue” that could be used as incentives to buy corn overseas or to produce more of it in England.<sup>271</sup>

By providing a detailed description of the series of events that contributed to high corn prices, Burke pours empirical substance into his initial theoretical claims in *Thoughts and Details* about market economies. In doing so, Burke highlights the multifaceted nature of rural economic phenomena that could not be explained away by single causes, such as unfair prices or increased consumption. Framed another way, the impact of a poor harvest of a single crop extended beyond that particular farmer. “All the productions of the earth link in with each other,” he writes when describing this process.<sup>272</sup> There is a natural interdependence among crops, animals, and environmental conditions that shape market forces. Similarly, the price of corn, Burke notes, “is the result of the expence of all the operations of husbandry...”<sup>273</sup> Prices reflect a constellation of variables in the agricultural economy. In a larger sense, these comments on the complexity of markets denote Burke’s ability to peer at a single issue—in this case, high provisions costs—and then shift his eyes to the broader trends responsible for its manifestation.

One can start to discern philosophical contours in Burke’s economic thought that align with F.A. Hayek’s philosophy of political economy.<sup>274</sup> Hayek stressed the limitations of

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<sup>271</sup> Langford, *Writings and Speeches*, IX, 141.

<sup>272</sup> Langford, *Writings and Speeches*, IX, 140.

<sup>273</sup> Langford, *Writings and Speeches*, IX, 127.

<sup>274</sup> Linda C. Raeder has noticed their similarities as well. See Raeder, “The Liberalism/Conservatism of Edmund Burke and F.A. Hayek: A Critical Comparison,” *Humanitas* 10 (1997), accessed March 3, 2017, <http://www.nhinet.org/raeder.htm>.

human knowledge in understanding economic activity.<sup>275</sup> He believed that the fluidity and complexity of market phenomena make it impossible for the single human mind to comprehend why innumerable market forces act the way they do. “The continuous flow of goods and services is maintained by constant deliberate adjustments, by new dispositions made every day in the light of circumstances not known the day before...” Hayek wrote of this dynamic process.<sup>276</sup> He called the process one of “rapid adaptation to changes in the particular circumstances of time and place...”<sup>277</sup> For Burke, the “particular circumstances of time and place” of fluid agricultural economic phenomena helped explain fluctuations in food prices.<sup>278</sup>

Two final points about Burke’s reflections on supply and demand laws require attention in this section. The first relates to his understanding of the relationship between those laws and nature. The second is in regard to his price theory. These two points will tighten our command of the core of Burke’s economic reflections.

First, even though Burke suggests that complex market phenomena cannot be attributed to single causes, he does connect the laws of supply and demand with the natural order of the universe. When describing that labor is a commodity, Burke writes, “This is in the nature of things; however, the nature of things has provided for their necessities.”<sup>279</sup> Burke refers to nature again later in *Thoughts and Details*, when he cautions against the idea that the government or the affluent are competent enough to supply the poor with

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<sup>275</sup> See Hayek’s essay, “The Use of Knowledge in Society,” *The American Economic Review* 35 (1945): 519-30.

<sup>276</sup> Hayek, “Use of Knowledge,” 524.

<sup>277</sup> Hayek, “Use of Knowledge,” 524.

<sup>278</sup> The intellectual relationship between Burke and Hayek will be further developed later in this chapter and in the next chapter.

<sup>279</sup> Langford, *Writings and Speeches*, IX, 122-23.

provisions. In the most emphatic statement of his entire thought regarding the connection between market economies and the natural order, Burke writes that “the laws of commerce” are the “laws of nature, and consequently the laws of God.”<sup>280</sup>

More so, Burke sprinkles “natural” and its cognates in his other writings and speeches related to free movement of commerce that precede *Thoughts and Details*.<sup>281</sup> In 1770, opposing a bill in the House of Commons that would have renewed the ban on corn exportation, Burke referred to the “natural price which grain brings at an universal market.”<sup>282</sup> In 1775, in *Speech on Conciliation*, Burke denounces the idea that the vibrant trade between England and its North American colonies was “unnatural.”<sup>283</sup>

The attempt to connect supply and demand laws with nature was not uncommon at the time. The Scottish Enlightenment put forth the conception that the providential ordering of nature allows economic freedom, driven by supply and demand, to satisfy man’s need for food and shelter. Adam Smith, the leading defender of commercial enterprise among Scottish Enlightenment thinkers, famously characterized free markets in *Wealth of Nations* as “the system of natural liberty”<sup>284</sup> or “the natural system of perfect liberty.”<sup>285</sup> Burke’s remarks above predate *Wealth of Nations*, however, so it is safe to assume that his theory of nature in market economies did not originally derive from Smith’s book.

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<sup>280</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>281</sup> He also uses “natural” when describing the hierarchy of labor (see “Equality,” Chapter 3) and in contexts unrelated to economic matters.

<sup>282</sup> Wright, J., ed., *Sir Henry Cavendish’s Debates of the House of Commons*, vol. I, *May 10, 1768-May 3, 1770* (London: Longman, Orme, Brown, Green, & Longmans [et al], 1841), 56.

<sup>283</sup> Langford, *Writings and Speeches*, III, 114.

<sup>284</sup> Adam Smith, *An Inquiry Into the Nature and Cause of the Wealth of Nations*, vol. II, eds. R.H. Campbell and A.S. Skinner (Indianapolis: Liberty Fund, 1981), 687.

<sup>285</sup> Smith, *Wealth of Nations*, vol. II, 606.

This idea of nature in Burke's commentary on supply and demand laws holds implications for secondary literature on Burke. Before the publication of Peter Stanlis' book *Edmund Burke and the Natural Law*, scholarship did not attempt to trace a strong connection between natural law and Burke's political thought. In light of Stanlis' illumination of the elements of natural law in Burke's philosophical doctrine, however, Burke's gestures to "nature" in relation to political economy do not seem so unusual. Admittedly, traditional natural law does not necessarily capture the idiosyncrasies of the "natural law" of the market, as conceptualized by Burke and the Scottish Enlightenment. But Burke's appeal to something other than tradition or history, the two factors most commonly associated with Burke's political philosophy, demonstrates that the element of natural order in Burke's thought is not as aberrant as it appears.

Yet Burke goes beyond appealing to nature in the comments above. Being that Burke was the foremost advocate of prudence in the late eighteenth century, not to mention a leading skeptic of the Jacobin tendency to wield rationalist arguments to vindicate political arguments, it is striking that he would draw a direct line from the laws of commerce—supply and demand—to God's will. Is Burke not sacrificing his own philosophy of prudence on the alter of free market ideology? By invoking God in the name of commercial liberty, is he not succumbing to the very temptation of categorical, abstractionist ideas that he famously accused French Jacobins and their English sympathizers of disseminating? These questions will be addressed in the final section of this chapter.

The second key point about Burke's embrace of supply and demand principles is its intimate relation with his price theory. It can be divided into two subjects: the source of value in markets, and the consequences of the unnatural distortion of value. First, for Burke, the demand of the consumer determines the price, not the desires of the seller. "When any

commodity is carried to market,” Burke writes in *Thoughts and Details*, “it is not the necessity of the vender, but the necessity of the purchaser that raises the price.”<sup>286</sup> Therefore, “The only question is, what is it worth to the buyer?”<sup>287</sup> He further acknowledges the power of supply and demand when he comments, “If the goods at market are beyond the demand, they fall in their value; if below it, they rise.”<sup>288</sup>

By asserting that the market value of a good or service relies on the preferences expressed by the consumer, Burke anticipates one of the most important insights of classical economics: consumers, not producers, ultimately determine the value of commodities in liberal economies. “By the late nineteenth century...” economist Thomas Sowell writes, “economists had given up the notion that it is primarily labor which determines the value of goods...”<sup>289</sup> He continues: “On the contrary, it was the value of the goods to the consumers which made it worthwhile to produce those goods—provided that the consumer was willing to pay enough to cover their production costs.” This shift “marked a revolution in the development of economics.”<sup>290</sup>

Burke accepts the realities of price fluctuations without criticism in *Thoughts and Details*. Although he never asserts a normative claim about the morality of supply and demand market forces, the tone of his analysis of prices in the marketplace is one of approval, not disapproval. His implicit assent further emerges when he discusses, in a negative light, the consequences of distorting market prices. If an “authority comes in and forces the buyer to a price,” Burke claims, the buyer in this case being the farmer, who is

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<sup>286</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>287</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>288</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>289</sup> Sowell, *Basic Economics*, 177.

<sup>290</sup> Sowell, *Basic Economics*, 177.

responsible for hiring laborers and providing equipment, the intervention amounts to “an arbitrary division of his property among [the farmer and the laborers].”<sup>291</sup> For Burke, third-party intervention in prices, manifested in the regulation of wages between the farmer and laborer, is an unjustified intrusion into a consensual process through which value is determined by autonomous parties. This arbitrary effect stands in contrast with the laws of supply and demand that Burke ascribes to the laws of nature, and ultimately to the laws of God.

Burke never uses the phrase “unintended consequences” in *Thoughts and Details*. But he suggests that such government intrusion into the natural ordering of prices creates unanticipated ramifications that extend beyond the immediate policy proposal, such as the decrease in demand. “If a commodity is raised by authority above what it will yield with a profit to the buyer, that commodity will be the less dealt in,”<sup>292</sup> Burke says, reinforcing his grip on supply and demand laws. He continues:

If a second blundering interposition be used to correct the blunder of the first, and an attempt is made to force the purchase of the commodity (of labour for instance), the one of these two things must happen, either that the forced buyer is ruined, or the price of the product of the labour, in that proportion, is raised. Then the wheel turns round, and the evil complained of falls with aggravated weight on the complainant.<sup>293</sup>

For Burke, raising the value of a commodity above its market price will lower its demand, signaling his awareness of the principle of inverse proportionality in price theory. The attempt to alleviate this negative effect by mandating the purchase of the commodity would be another “blunder” and create two more noxious consequences: the oppression of the consumer (if forced to buy the good, he may not be able to afford it, and thus could

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<sup>291</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>292</sup> Langford, *Writings and Speeches*, IX, 127.

<sup>293</sup> Langford, *Writings and Speeches*, IX, 127.



suffer financial ruin) and the increase in the costs of goods. Thus begins a self-perpetuating cycle of unintended consequences.

In this environment of increased commodity costs, including the cost of agricultural labor, the best-case scenario for the laborer is that he will continue working. But, Burke continues, “if the price of the corn should not compensate the price of labour, what is far more to be feared, the most serious evil, the very destruction of agriculture itself, is to be apprehended.”<sup>294</sup> Burke suggests in this case that the laborer will lose his job, and that the industry of agriculture will suffer dramatically as well from the shortage of workers.

If one seeks to situate Burke’s price theory in intellectual history, the Austrian School presents a compelling comparison.<sup>295</sup> This school, whose leading thinkers included Hayek as well as Carl Menger and Ludwig von Mises, argued the true value of good and services was determined by the subjective preferences of consumers, not by the judgments of the sellers. This idea aligns smoothly with Burke’s aforementioned claim that the buyer, not the vendor, raises the price. The implication for Burke, as it was for the Austrian School, was that goods and services did not contain an intrinsic, objective value, but simply reflected the personal tastes and inclinations of consumers.

Hayek believed, moreover, that the ebbs and flows of prices in market economies reflected a continual process of refinement and adjustment. In Hayek’s judgment, the price system was a “kind of machinery for registering change...”<sup>296</sup> Prices convey the fluid

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<sup>294</sup> Langford, *Writings and Speeches*, IX, 127.

<sup>295</sup> To argue that Burke’s particular beliefs about prices, and supply and demand, reflect the Austrian School’s understanding of these particular issue is not to argue that Burke would have adopted all philosophical tenets of the school. He would have fundamentally disagreed with some of the movement’s thinkers for being too sympathetic to the primacy of individualism, and to their analytic treatment of human action through the prism of rational utility maximization.

<sup>296</sup> Hayek, “Use of Knowledge,” 527.

knowledge that cannot be grasped fully by the individual intellect, nor can be attributed to a single source. Burke's detailed explanation for the spike in food costs mirrors this understanding: Burke was aware that a range of agricultural and environmental factors contributed to changes in food prices, and therefore could not be explained away by individual factors such as "unfair practice[s]." For Hayek and Burke, the free-flowing price system in market economies channels disparate pieces of information in a way that maximizes the efficient allocation of goods.

The additional implication is that Burke anticipates the Austrian School's argument that freely flowing prices of market economies ultimately empower consumer sovereignty, not capitalists. His statement, "The only question is, what is it worth to the buyer?" exemplifies this awareness. Similarly, Menger's landmark book *Principles of Economics* contended that market processes are governed by the individual choices of the purchaser, not the seller, to fulfill his wants. Value, Menger wrote, is "merely the importance that we first attribute to the satisfaction of our needs, that is, to our lives and well-being, and in consequence carry over to economic goods as the exclusive cause of the satisfaction of our needs."<sup>297</sup>

Rather than focusing on the issues of the labor theory of value, aggregate output, and merchants' pricing schemes, Menger sought to elevate the role of flesh-and-blood *people*—the consumers—in guiding the allocation of goods and services. When men engage in market activity, "a situation finally develops in which possession of economic goods gives the possessors the power to obtain goods of other kinds by means of exchange."<sup>298</sup>

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<sup>297</sup> Carl Menger, *Principles of Economics*, trans. James Dingwall and Bert F. Hosel (Grove City, PA: Libertarian Press, Inc., 1994), 116.

<sup>298</sup> Menger, *Principles of Economics*, 226-27.

Therefore, Israel M. Kirzner writes, Menger's vision reflected a "pattern of *economic governance exercised by consumer preferences*."<sup>299</sup>

Burke's judgment that consumers, not sellers, determine market value helps explain why he never condemns the price system in *Thoughts and Details* for hurting the customer and taking advantage of the worker. Consider an alternative point of view, famously espoused later by Karl Marx in his *Economic-Philosophical Manuscripts of 1844*. "...[T]he worker sinks to the level of a commodity and, indeed, of the most miserable commodity; that the worker's misery is inversely proportional to the power and scope of his production..." Marx writes.<sup>300</sup> He continues: "...that the necessary result of competition is the accumulation of capital in a few hands and thus the most frightful restoration of monopoly..."<sup>301</sup> According to Marx, market capitalism, by reducing labor to an article of trade and human relations to conditional monetary contracts, authorizes capitalists to exploit the worker and snatch power away from him.

Burke held a different view: because the prices of goods and services in markets are ultimately determined by the buyers, the buyers hold a firm amount of power in exchange economies. Under his reasoning, a seller is in many ways at the mercy of the buyer, for a trader will never be able to sell anything unless he fulfills a need of the potential consumer. Since a laborer can also be a consumer, he retains power in the market economy by influencing the value of goods. In short, Burke's grasp of the relationship between supply and demand laws and prices in *Thoughts and Details* inverts the idea that market activity vests

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<sup>299</sup> Israel M. Kirzner, *The Meaning of Market Process: Essays in the Development of Modern Austrian Economics* (London: Routledge, 1992), 92.

<sup>300</sup> Eugene Kamenka, *The Portable Karl Marx* (New York: Penguin Books, 1983), 131.

<sup>301</sup> Kamenka, *Portable Karl Marx*, 131.

capitalists with the authority to abuse consumers, one of the central critiques of market economies that persists to this day.

Burke's approval of supply and demand principles and market prices creates even more space between his economic thought and classical and Christian critiques of market activity. His political philosophy stressed the importance of seeking guidance from the wisdom of the past, but his economic thinking in *Thoughts and Details* does not reach into the repository of classical and Judeo-Christian thought to directly inform his views supply and demand laws, wages, and prices.<sup>302</sup> More so, his treatment of labor as a commodity—something tradeable, transitory, moveable—indicates a shift away from feudal socioeconomic structures, in which peasants were given secure work opportunities that were not contingent upon the twists and turns of the marketplace.

In sum, Burke embraces vibrant market activity and economic liberalism in *Thoughts and Details*. He affirms the primacy of supply and demand laws in channeling the movement and prices of goods toward efficient ends. He contends that wages should be proportional to labor. His price theory is predicated on the observation that consumer demand, and not supply, is the ultimate source for discovering the market value of products. Hence Burke's thought is a precursor to the Austrian School's understandings of supply and demand and price theory, a school of thought that illuminates Burke's deeper concerns about the role of rationalism in political life.

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<sup>302</sup> As will be discussed, Burke does invoke Christianity in *Thoughts and Details* in his discussion of charity to the poor. See "Labor, the Laboring Poor, and the Duty of the Rich," Chapter 3.

### e. Labor, the Laboring Poor, and the Duty of the Rich

Burke's beliefs in *Thoughts and Details* about the fluidity of supply and demand laws and prices in market economies relate directly to his nuanced conception of "labor." In addition to treating labor as a commodity, and thus an article of trade, Burke attempts to show that "labor" was a word that represented vastly different types of workers. "...[T]his very broad generic term, *labour*, admits, at least, of two or three specific descriptions," Burke writes.<sup>303</sup> The term required "nicer distinctions and sub-divisions."<sup>304</sup> In his subsequent description of these categories, Burke conveys that proposals to increase the wages of laborers did not take into account the kaleidoscopic complexity of labor. "Encrease the rate of wages to the labourer, say the regulators—as if labour was but one thing and of one value," he writes.<sup>305</sup>

Burke divides labor into three classifications. The first is husbandry that can be completed by able-bodied men, aged from twenty-one to fifty years old.<sup>306</sup> What one man sacrifices in energy, writes Burke, he can make up for it with his experience. Burke acknowledges that even within this category, there is a diversity of work ethic, strength, and skill among different men. Yet he concludes that the application of groups of five men will generally be similar to one another, since, from Burke's perspective, one worker will be good, one will be bad, and three will be middling. Therefore, Burke writes—indeed, concedes—that "an error with regard to the equalization of their wages by those who employ five, as farmers do at the very least, cannot be considerable."<sup>307</sup> Burke is implicitly

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<sup>303</sup> Langford, *Writings and Speeches*, IX, 127.

<sup>304</sup> Langford, *Writings and Speeches*, IX, 127.

<sup>305</sup> Langford, *Writings and Speeches*, IX, 127.

<sup>306</sup> See Langford, *Writings and Speeches*, IX, 127-28 for Burke's description of this first category.

<sup>307</sup> Langford, *Writings and Speeches*, IX, 128.

admitting that wage regulations for this class of men would not produce negative consequences, but only if every type of laborer fell into this category.

Burke's second category includes the husbandry of those who are unable to complete the same amount of labor as the able-bodied men working fulltime. Like the first classification, Burke admits that the second group consists of a medley of people. His two general subdivisions under this head include men in physical decline, over the age of fifty, and women, who do not necessarily work fulltime and who have other responsibilities such as "gestation, nursing, and domestic management."<sup>308</sup> Burke's third category is the labor of children. Children do grow "from less to greater utility," Burke writes, "but with a still greater disproportion of nutriment to labour than is found in the second of these subdivisions...."<sup>309</sup> In essence, the patchwork of distinctions among these three groups of laborers include varying abilities of dexterity, experience, work ethic, age, sex, physical strength, and domestic responsibilities.

The implications of Burke's classificatory system transcend questions about the merits of state-mandated wage hikes or the definition of "labor." For Burke, a uniform wage hike is stiff and inflexible, failing to account for the multiplicity of human differences that gives the name "labor" a layered reality. Burke's attention to the deeper dimensions of this seemingly simple economic concept aligns with his discussion about the many factors that influenced the rise in food costs in the 1790s. In both cases, Burke's underlying purpose is to expose the limits of theoretic rationalism to describe complex empirical realities in market economies.

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<sup>308</sup> Langford, *Writings and Speeches*, IX, 128.

<sup>309</sup> Langford, *Writings and Speeches*, IX, 128

Burke's additional aim in highlighting different subdivisions of laborers was to puncture the bubble of assumptions behind the phrase "labouring poor" in the late eighteenth century. This term had crept into public debates in England concerning whether government should intervene in the labor market to relieve distressed workers. Before Burke drafted *Thoughts and Details*, he had detected conceptual imprecision in this language, noticing that poor laborers were being lumped together with the non-working poor by both supporters and opponents of government regulation of wages in husbandry. He expressed this distinction publicly in his *Third Letter on a Regicide Peace* in 1797.<sup>310</sup> Burke states in the letter that the "poor" had previously been characterized as the "sick and infirm; for orphan infancy; for languishing and decrepid age..."<sup>311</sup> In the 1790s, Burke regrets, those who were capable of working were being squished together with this group.

The *St. James's Chronicle*, for instance, published an article in early October 1795 calling for the regulation of flour and wheat industries in order to alleviate the condition of the "labouring poor."<sup>312</sup> Parliamentary debates in 1796 also employed the phrase. When discussing an earlier form of his minimum wage in February of that year, Whitbread had "appealed to the sense of the House, whether the situation of the *labouring poor* in this country was such as any feeling or liberal mind would wish?" (italics added).<sup>313</sup> Pitt, who opposed the bill, was described as saying, "The present situation of the *labouring poor* in this country, was certainly not such as could be wished, upon any principle, either of humanity,

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<sup>310</sup> *Third Letter on a Regicide Peace* was written after the first draft of *Thoughts and Details* but published in 1797, three years before *Thoughts and Details* was published.

<sup>311</sup> Langford, *Writings and Speeches*, IX, 355.

<sup>312</sup> Bourke, *Empire & Revolution*, 891.

<sup>313</sup> *Cobbett's Parliamentary History of England*, vol. XXXII (London: T.C. Hansard, 1818), 703.

or policy”<sup>314</sup> (*italics added*). That Pitt used the phrase further explains why Burke is so intent in *Thoughts and Details* on clarifying its meaning, since Pitt had requested a copy of Burke’s original memorandum to Dundas.

The precision of the phrase carried more than conceptual implications. In light of the French Revolution’s impulse toward economic regulations, Burke was concerned that rhetorical flourishes to assist the “laboring poor” would be wielded to justify a national policy of wealth distribution, thereby infecting England’s vibrant commercial activity with the poison of radical egalitarianism. The consequence was that politicians were pitting the rich against the poor, inflaming the passions of Jacobin class warfare that Burke had so readily denounced in *Reflections*.<sup>315</sup>

Accordingly, one of Burke’s tasks in *Thoughts and Details* was to define “laboring poor” with more exactness and clarity. He writes that this group of people are poor only “because they are numerous.”<sup>316</sup> “Numbers in their nature imply poverty,” Burke continues. “In a fair distribution among a vast multitude, none can have much.”<sup>317</sup> The “poor” for Burke did not equal a specific amount of wealth, or a specific level of living standards. “Poor,” then, was a *relative* condition, not a stiff numerical figure, in a social environment in which other members of the community could be materially affluent.

Burke underscores his aversion to sentimentalizing the laboring poor by stressing the tendency to pervert the language of politics. “Nothing can be so base and so wicked as the political canting language, ‘The Labouring Poor,’” he writes. “Let compassion be shewn in

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<sup>314</sup> *Cobbett’s Parliamentary History of England*, vol. XXXII (London: T.C. Hansard, 1818), 705.

<sup>315</sup> See Bourke, *Empire & Revolution*, 891-92 for a discussion on this issue of the “laboring poor.”

<sup>316</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>317</sup> Langford, *Writings and Speeches*, IX, 121.



action, the more the better, according to every man's ability, but let there be no lamentation of their condition."<sup>318</sup> Pity will provide "no relief to their miserable circumstances," and in fact will insult their "miserable understandings"<sup>319</sup> (ostensibly of their condition of poverty). Burke is arguing that public outpourings of feelings for the impoverished will not improve their socioeconomic circumstances. In the comments above, however, he does distinguish between excessive sentimentality and genuine compassion, the latter, Burke suggests, that is manifested in acts of charity.

In sum, Burke's attempt to define "labor" and "laboring poor" with more precision is to notify readers to the danger of imposing wage regulations on a diverse network of people with varying skill sets, income levels, and demographic backgrounds. It is also to cast light on the contemporary tendency to evoke pity to advance broader political aspirations. These two factors relate to the historical context of Burke's analysis: as in *Reflections*, Burke displays a keen awareness in *Thoughts and Details* of the shadow of English Jacobinism looming over and threatening English civil society. For Burke, Jacobin rationalism failed to capture the experiential and empirical complexities of socioeconomic life—or, in Hayek's words, the particular circumstances of time and place.

### *The Duty of the Rich*

Burke's understanding of the poor was intimately related to his beliefs about the duty of the rich. In his judgment, their relationship was woven together not only by transactional partnerships but by the warm bond of trust. In *Thoughts and Details*, Burke writes that the rich

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<sup>318</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>319</sup> Langford, *Writings and Speeches*, IX, 121.

are “trustees” for “those who labour...”<sup>320</sup> Therefore, attempts to confiscate wealth from the rich to ease the destitute condition of the poor will only hurt the latter, since the rich, Burke implies, are the ones who provide wages and nutriment to the laborers. There is an element of an Invisible Hand-type force in Burke’s reasoning; he claims that the rich, “[w]hether they mean it or not...do, in effect, execute their trust—some with more, some with less fidelity and judgment.”<sup>321</sup> Regardless of whether the affluent intend to help the poor, the result of their actions confers positive benefits on laborers.

Although Burke invokes his trustee notion of the rich, his ardent defense of supply and demand laws appears to neglect the concerns of the indigent. This has led Isaac Kramnick to argue that, in Burke’s judgment, it was “unjust” to “aid the poor.”<sup>322</sup> Burke contradicts this portrayal in *Thoughts and Details*, however, when he declares that Christians hold the moral responsibility to help the impoverished when market principles fail to provide sufficient nutriment. “Without all doubt, charity to the poor is a direct and obligatory duty upon all Christians...” Burke writes.<sup>323</sup> Charity should be left in private hands, at the giver’s discretion, which, besides aiding the poor, creates a deeper sense of fulfillment on the part of the dispenser.<sup>324</sup> Burke’s trustee conception of the rich further undermines Kramnick’s claim. Nevertheless, although Kramnick is wrong, Burke does unintentionally convey a coldness in his discussion of the poor in *Thoughts and Details*. He

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<sup>320</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>321</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>322</sup> Langford, *Writings and Speeches*, IX, 161.

<sup>323</sup> Langford, *Writings and Speeches*, IX, 129.

<sup>324</sup> Langford, *Writings and Speeches*, IX, 129. “[T]he manner, mode, time, choice of objects, and proportion, are left to private discretion; and perhaps, for that very reason it is performed with the greater satisfaction, because the discharge of it has more the appearance of freedom; recommending us besides very specially to the divine favour, as the exercise of a virtue most suitable to a being sensible of it's own infirmity.”

goes so far as to insist it is folly to think that the rich can supply them with “those necessities which it has pleased the Divine Providence for a while to with-hold from them.”<sup>325</sup>

Burke’s reflections on the poor can be clarified by examining his earliest writings as a young thinker, when he wrote for and edited *The Reformer*, the weekly periodical he helped found before he graduated from Trinity College Dublin. In *Reformer No. 7*,<sup>326</sup> Burke argues that affluent landowners hold the moral duty to aid the indigent. He does so by introducing the parable of a “Gentleman of Fortune,” whose actions, in Burke’s telling, helped alleviate the condition of his tenants and promoted public prosperity. Originally the gentleman inherited an estate that included a large number of tenants who paid a high rent. The estate itself was not cultivated.

According to Burke, the Gentleman of Fortune reacted to this feeble state of affairs by aiding and rewarding the hard-working poor:

He found his Leases out, but he did not study, with the Greediness of a young Heir, how to raise the Price nor Value of his Lands, nor turn out all his poor Tenants to make room for two or three rich. He retained all those to whose honest Industry he had been Witness, and lowered his Rents very considerably; he bound them to plant certain Quantities of Trees, and make other Improvements.<sup>327</sup>

Consequently, the condition of the estate improved, rent was paid, and tenants acquired wealth. More so, the Gentleman of Fortune did not spend his energies organizing wasteful horse-races and assemblies, which encouraged “Drinking and Idleness...”<sup>328</sup> Instead, he

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<sup>325</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>326</sup> Burke was one of a few collaborators of the periodical. F.P. Lock makes the convincing case that *Reformer No. 7* is Burke’s work. See Lock, *Edmund Burke*, vol. I, 56-59. The essay resembles Jonathan Swift’s perspective on Ireland. See Langford, *Writings and Speeches*, I, 96n6.

<sup>327</sup> Langford, *Writings and Speeches*, I, 99-100.

<sup>328</sup> Langford, *Writings and Speeches*, I, 100.

promoted a new “Manufacture” that “employed the whole Town” and “in Time made it opulent.”<sup>329</sup>

Burke is highlighting the paternalistic touch of the Gentleman of Fortune. The gentleman held the moral responsibility to treat his poorer tenants well, and he did. He was charitable, not avaricious. He reduced rents to a reasonable rate so that the tenants could pay them, rather than discard the tenants and bring in richer ones who could pay the higher rates. The property owner also displayed an itch of ingenuity and economy: he ameliorated the land, encouraged honest industry, and stimulated new productive capacities, all the while restraining the temptation to finance extravagant projects. Notice in his portrayal that Burke does not erect a stark division between economic advancement and ethics. The gentleman was concerned with material improvement as well as traditional virtue.

In Burke’s story, the Gentleman of Fortune did not regret shunning the pursuit of fancy objects or services. “I keep no *French* cook,” the gentleman says proudly.<sup>330</sup> Instead he served his fellow human beings, and the nation: “...I am satisfied I am making Numbers happy, without any Expence to myself, doing my Country Service without Ostentation, and leaving my Son a better Estate without oppressing anyone.”<sup>331</sup> Guided by an ethic of modesty and a commitment to helping others, the Gentleman of Fortune promoted the public welfare and achieved an inner sense of self-fulfillment.

Burke is famous for his celebrated “trustee” theory of representation in his political philosophy, which asserts that an elected representative should make informed, independent judgments on political questions even if they deviate from the majoritarian will of his

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<sup>329</sup> Langford, *Writings and Speeches*, I, 100.

<sup>330</sup> Langford, *Writings and Speeches*, I, 100.

<sup>331</sup> Langford, *Writings and Speeches*, I, 100.

constituents.<sup>332</sup> Yet as evidenced by his reference to the rich as a “trustee” of the needy in *Thoughts and Details*, and by his portrait of the Gentleman of Fortune, Burke also carries a “trustee” notion of the relationship between the rich and the poor in his political economy. The upper classes are the guardians of the lower classes, and hold the moral responsibility to aid them—by offering reasonable rents, encouraging good habits and discouraging bad ones, and setting the example of a responsible citizen. Burke does paint an idealized portrait of the landed aristocrat.<sup>333</sup> But the important insight for Burke’s conception of political economy is his belief that a tender chord of trust links the duties of the rich with the interests of poor. The affluent class has the responsibility to help those in need, and the failure to do so signifies a dereliction of moral obligation. The fluxes of the market should not break this trust.

Burke’s personal actions reflected his beliefs about the responsibility of the fortunate. In addition to his efforts aiding the poor in his neighborhood,<sup>334</sup> Burke, almost two years after retiring from Parliament, founded a school in April 1796 for poor children of French émigrés who had been persecuted under the French Revolution.<sup>335</sup> He wanted the institution to become a kind of military academy. In preparing to open the school, Burke

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<sup>332</sup> See Burke’s “Speech at the Conclusion of the Poll,” given on 3 November 1774, in Langford, *Writings and Speeches*, III, 63-70.

<sup>333</sup> The anonymous writing *A View of the Grievances of Ireland by a True Patriot* (Dublin: George Faulkner, 1745) recounts a story resembling Burke’s retelling. *View of the Grievances* concludes that “it is evident what a Man of Virtue and Humanity, is capable of performing...” See page 9.

<sup>334</sup> See “Burke’s Historical Milieu I: Brief Biography,” Chapter 2.

<sup>335</sup> See the following sources that provided much of the biographical information on Burke’s émigré school: Prior, *Life of Edmund Burke*, 431-35; Lock, *Burke*, vol. II, 548-54; John Timbs, *Anecdote lives of William Pitt, Earl of Chatham, and Edmund Burke* (London: Richard Bentley & Son, 1880), 314-16.

lobbied the government for subsidies to fund its operating costs.<sup>336</sup> This suggests Burke believed the state did have some role to play in education, as did Adam Smith,<sup>337</sup> although Burke does not elaborate on the idea in his writings and speeches.

The institution taught a maximum of sixty boys and sat around three miles northwest from his estate. Burke aimed to preserve the spirit of French culture by granting patronage and administrative authority to French émigré nobles and bishops, demonstrating his inclination to respect cultural differences. When the school opened, Burke visited it frequently, and exerted a fatherly presence over the schoolchildren. “His smiles might be said to have gladdened the hearts of the exiles...” reported a school treasurer, who had worked at the school after Burke passed away.<sup>338</sup>

Burke couldn’t resist giving direction over the substance of the curriculum, emphasizing a course of study that focused on English proficiency and elementary mathematics. Burke also advocated strict discipline for misbehaving students; one time he urged the superior of the school to use the cane and, if necessary, to flog forcefully for particularly unruly pupils.<sup>339</sup> The school generally ran smoothly, but it did encounter a number of problems. For example, a dispute over the selection process of applicants shed light on Burke’s initial failure to specifically delegate administrative responsibilities. He also encountered some financial difficulties.

Burke bequeathed in his will that the institution would be led by Burke’s faithful group of friends who were trustees at the school. In the end, many students educated there

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<sup>336</sup> “Burke’s Proposal for a School at Penn,” in *Correspondence of Edmund Burke*, VIII, 397.

<sup>337</sup> See *Wealth of Nations*, vol. II, 785.

<sup>338</sup> Prior, *Life of Edmund Burke*, 432.

<sup>339</sup> Prior, *Life of Edmund Burke*, 435.

achieved successful careers back in France following the Bourbon Restoration in 1814, according to the school treasurer.<sup>340</sup> The institution was taken over by the French government that year, and was kept open until 1820. In the end, the emigrant school was Burke's signature act of philanthropic benevolence. It fulfilled his yearning for an active lifestyle and shifted his mind away from the intermittent despondency that plagued his final years. In many ways, the institution illustrated that Burke recognized himself to be a Gentleman of Fortune who held the moral duty to aid the oppressed.

As a legislator, Burke acted on behalf of the poor in a less direct, yet still noteworthy, way. In 1774, a proposed parliamentary measure called the Poor Removals Bill would have circumscribed the ability of magistrates to return indigent immigrants back to their parish of origin, a power vested in them under the 1662 Settlement Act.<sup>341</sup> In his *Speech on Poor Removals Bill*, Burke approved of the reform bill by arguing that the Settlement Act's restrictions on the autonomy of movement constituted the essence of bondage. "...[I]f you will not let me live where I please, which necessarily implies in it, where I can best maintain and support myself, I am a slave..." Burke declared in describing the perspective of the poor immigrant under the Act.<sup>342</sup> For Burke, state officials should not possess the authority to dictate where people should live. "...[T]he power of tying down a man to reside in any place, or expelling him from any other, ought not to reside in Justices [of the Peace], nor any men..." he insisted.<sup>343</sup>

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<sup>340</sup> Prior, *Life of Edmund Burke*, 433.

<sup>341</sup> Paul Langford, ed., *The Writings and Speeches of Edmund Burke*, vol. II, *Party, Parliament, and the American Crisis 1766-1774* (Oxford: Clarendon Press, 2005), 401-02.

<sup>342</sup> Langford, *Writings and Speeches*, II, 402.

<sup>343</sup> Langford, *Writings and Speeches*, II, 402.

Instead, individuals, including paupers, should have the liberty to choose the location of their residency, which would allow them to pursue new employment opportunities. In this light, Burke detected a perverse incentive in the Settlement Act: it dissuaded the poor from traveling to other parishes to seek new jobs. “Manufacture calls them to one place, the laws hurry them back to the other,” he said.<sup>344</sup> This consequence was an “amazingly mischievous tendency”<sup>345</sup> of the Act. In short, Burke’s political economy not only championed the free flow of commerce but also the free movement of people, which, in his view, encouraged the mobility of labor—an economic activity that manufacturers benefited from as well.<sup>346</sup> In 1795, the Act was modified to afford more protections for the poor to move and reside in different parishes.<sup>347</sup>

Burke and Adam Smith adopted the same critical attitude toward the Settlement Act. In *Wealth of Nations*, Smith, like Burke, recognized the incentive structure of the law discouraged freedom of movement. “To remove a man who has committed no misdemeanor from the parish where he chuses to reside,” Smith states, “is an evident violation of natural liberty and justice.”<sup>348</sup> There was “scarce a poor man in England of forty

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<sup>344</sup> Langford, *Writings and Speeches*, II, 403n2.

<sup>345</sup> Langford, *Writings and Speeches*, II, 403.

<sup>346</sup> This helps explain why they supported the Poor Removals Bill. See Lock, *Edmund Burke*, vol. I, 359.

<sup>347</sup> See John J. Clarke, *Social Administration Including the Poor Laws* (London: Sir Isaac Pitman & Sons, 1922), 35; and Stuart Peterfreund, “Burke and Hemans: Colonialism and the Claims of Family,” in Evan Gottlieb, ed., *Global Romanticism: Origins, Orientations, and Engagements, 1760-1820* (Lewisburg, PA: Bucknell University Press, 2015), 32. Clarke notes that Burke led efforts to change the Act, although I cannot find other sources to verify this claim.

<sup>348</sup> Smith, *Wealth of Nations*, vol. I, 157.



years of age” who had not felt in some way “cruelly oppressed” by the Settlement Act.<sup>349</sup> For both thinkers, the poor deserved the freedom to pursue employment opportunities.

In his speech supporting the Poor Removals Bill, Burke actually attempted to discredit another argument used in favor of the legislation. Lord Clare had remarked that the bill would encourage population growth, which he claimed, had been declining.<sup>350</sup> Burke avowed that the population was increasing, as evidenced by the growing cultivation and consumption of food.<sup>351</sup> More so, emigration from England was not a cause for anxiety. “...I should not be concerned if 40,000 emigrants went every day to America,” Burke said, “as long as the cultivation of our soil is the effect of industry, and that industry is protected by the free constitution of this country.”<sup>352</sup> Freedom of movement did not hinder the capacity of Englishmen to produce, as long as their constitutional liberties were protected.

Burke’s comments in this context also illustrate his distrust of zero-sum economic thinking. “Let [emigrants] be flourishing and happy. They will not enjoy their fortune at the expence of Britain,” Burke states.<sup>353</sup> Even if people were leaving England, the prosperity of industry would encourage more births: “...[T]hey will be speedily replaced, and our numbers never decline.”<sup>354</sup> Just as foreign commercial intercourse did not deprive one nation of the fruits of trade, emigration did not condemn one nation to indigence. Burke also anticipated the debate two decades later about the relationship between food prices and population

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<sup>349</sup> Smith, *Wealth of Nations*, vol. I, 157. Smith notes that “men of reflection” had criticized the law as a public grievance, but there is no indication whether he was referring to Burke.

<sup>350</sup> Langford, *Writings and Speeches*, II, 403n5.

<sup>351</sup> Burke appeared correct in his assessment about the growing population. See Table 3.2.

<sup>352</sup> Langford, *Writings and Speeches*, II, 403.

<sup>353</sup> Langford, *Writings and Speeches*, II, 403.

<sup>354</sup> Langford, *Writings and Speeches*, II, 403.

growth, among various factors, in the English agricultural sector in the 1790s.<sup>355</sup> For Burke, population growth was a positive pattern, signaling economic growth and public opulence. “There is nothing so much mistook as the principles of population,” he remarked in his speech on the Poor Removals Bill.<sup>356</sup> Thomas Malthus’s *An Essay on the Principle of Population* would be published twenty-four years later.

Burke supplied an additional comment in his speech on the Poor Removals Bill that reveals a further ingredient into his conception of the poor. He noted that transforming the voluntary duty of benevolence into compulsory welfare drains the element of compassion from society, and in its place fuels social animosity. “When you change the voluntary, free duty of Charity, into [taxation] obliged to be enforced by law: from that moment the [result] will be your business to cure.”<sup>357</sup> Consequently, “...the people began to consider the poor not as an object of compassion. [sic] but tax Gatherers...”<sup>358</sup> The indigent were “lookd [sic] upon with abhorrence, and dread,”<sup>359</sup> which provoked further civil strife amongst parishes. Burke’s point is that forced assistance dilutes the warm bonds of affection and sympathy that impel the more fortunate to help the impoverished. This explains why Burke insists in *Thoughts and Details* that “charity to the poor” was “a direct and obligatory duty” upon Christians.<sup>360</sup> The Gentleman of Fortune and other members of civil society demonstrate real compassion when donating aid voluntarily out of the goodness of their own hearts.

There is an additional dimension to Burke’s trustee theory of political economy that mirrors a tenet of his trustee theory of representation. In the latter, Burke raises the implicit

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<sup>355</sup> See “Historical Background and Context,” Chapter 3.

<sup>356</sup> Langford, *Writings and Speeches*, II, 403.

<sup>357</sup> Langford, *Writings and Speeches*, II, 403n4.

<sup>358</sup> Langford, *Writings and Speeches*, II, 403n4.

<sup>359</sup> Langford, *Writings and Speeches*, II, 403n4.

<sup>360</sup> Langford, *Writings and Speeches*, IX, 129.

assumption that the people may not know what is in their best interests, or that the gusts of majoritarianism are so powerful that it would be futile to resist the general will. Hence the legislator may have to contradict the wishes of his constituents, who may be misinformed about the issue at hand. “Your Representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion,” Burke said to Bristol electors in “Speech at the Conclusion of the Poll.”<sup>361</sup>

Burke employs this reasoning in his economic thought. He remarks that even if the people in cities and towns are crying out for the regulation of provisions, their opinions should not necessarily be heeded, since their feelings may cloud their judgment. Their opinion “ought, in *fact*, to be the *least* attended to upon this subject” because of their “utter ignorance of the means by which they are to be fed”—i.e. the complicated nature of the cultivation and distribution of crops.<sup>362</sup> Burke is quite critical of urban dwellers in this regard: he assails them for claiming a presumption of knowledge about the inner workings of farming and cultivating. He goes so far as to use a line from Horace’s *Epistles*—“*Fruges consumere nati*,” meaning, “born only to consume the fruits of the earth”<sup>363</sup>—to emphasize, in a pejorative fashion, how little townspeople know about the economics of husbandry. Burke’s trustee model of political economy, then, suggests that the wise statesman should resist popular calls for regulation, and instead should heed his independent judgment, which may or may not reflect collective opinion. The people entrust representatives to make sound decisions; representatives violate this trust if their decisions became subservient to the whims of the public.

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<sup>361</sup> Langford, *Writings and Speeches*, III, 69.

<sup>362</sup> Langford, *Writings and Speeches*, IX, 129.

<sup>363</sup> Langford, *Writings and Speeches*, IX, 129.

Burke's essay in *Reformer No. 7* is also noteworthy for his expression of sympathy for the wretched condition of the Irish poor. "Their Cloaths so ragged, that they rather publish than conceal the wretchedness it was meant to hide; nay it is no uncommon Sight to see half a dozen Children run quite naked out of a Cabin..." he writes.<sup>364</sup> He highlights the ignorance of those who claimed that Irish peasants' "Sloth" was the "cause of their Misery."<sup>365</sup> In modern parlance, Burke is rebuking the idea of "blaming the victim" for the Irish's low economic condition.

Hence Burke declares that it "is the Care of every wise Government to secure the Lives and Properties of those who live under it..."<sup>366</sup> Moreover, "...Why should it be less worth Consideration, to make those Lives comfortable, and these Properties worth preserving?"<sup>367</sup> These remarks may suggest that Burke is calling for the state to play an active role in promoting the well-being of its subjects. One must be careful, however, because Burke's use of "secure" suggests more that British's oppressive imperial policy failed to protect the autonomy of Irish property and wealth. In other words, Burke is saying that government exists for the well-being of its members. Irish agricultural workers could use a portion of what they earned to construct lodging and cultivate crops, but were not paid in cash,<sup>368</sup> which explains Burke's comment that "[m]oney is a Stranger to them..."<sup>369</sup> Burke is suggesting that there were wider institutional factors at play that discouraged the rise in socioeconomic mobility among Irish laborers.

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<sup>364</sup> Langford, *Writings and Speeches*, I, 97.

<sup>365</sup> Langford, *Writings and Speeches*, I, 98.

<sup>366</sup> Langford, *Writings and Speeches*, I, 96.

<sup>367</sup> Langford, *Writings and Speeches*, I, 96.

<sup>368</sup> See Langford, *Writings and Speeches*, I, 97n1.

<sup>369</sup> Langford, *Writings and Speeches*, I, 97.

Burke has in mind Britain's suppression of the Irish's freedom to reap what they sow.<sup>370</sup> "[S]ure it is hard, that those who cultivate the Soil, should have so small a Part of its Fruits..." he says.<sup>371</sup> Burke acknowledges that some should have more than others, but notes the wide discrepancy between the rich and the poor, which offended the natural equality of man and was a "Blasphemy on Providence."<sup>372</sup> These remarks present an early indication in Burke's life of his belief that a providential force directs the free cultivation of land in a way that furnishes benefits to many—an insight conveyed more than twenty-five years before the publication of *Wealth of Nations*.

This section in *Reformer* also releases a scent of Burke's egalitarian proclivities—but ones that were distinct from the later impulses of Jacobinism. Burke advocates not the government redistribution of wealth to remedy Irish impoverishment, but instead the idea that the Irish, rather than simply monarchies, should benefit from the fruits of property: "Our Modern Systems hold, that the Riches and Power of Kings are by no means their property, but a Depositum in their hands, for the Use of the People."<sup>373</sup> While Burke is known for his defense of the landed aristocracy, he is quite critical of them in this case for failing to use their estates for the public good. Narrow-minded, self-interested aristocrats were "liable to the same or a greater Reproach than a Prince who abuses his Power."<sup>374</sup>

Such insights, while not original,<sup>375</sup> reinforce the message of his parable about the Gentleman of Fortune: the rich hold the responsibility to help the poor. There is an implicit trust that exists between the two groups. This trust derives from a common human ground,

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<sup>370</sup> Burke's discussion of the penal codes will be explored in Chapter 6.

<sup>371</sup> Langford, *Writings and Speeches*, I, 97.

<sup>372</sup> Langford, *Writings and Speeches*, I, 98.

<sup>373</sup> Langford, *Writings and Speeches*, I, 98.

<sup>374</sup> Langford, *Writings and Speeches*, I, 98.

<sup>375</sup> See Langford, *Writings and Speeches*, I, 98n3.

and from the reality that the luxuries of the rich are produced by the efforts of the lower classes. Thus the poor should be afforded similar opportunities for gain and be treated with respect by their superiors.

One final comment of Burke's in *Reformer No. 7* is worth noting because it blends his criticism of the ostentatious nobility with his egalitarian leanings.

The Riches of a Nation are not to be estimated by the splendid Appearance or luxurious Lives of its Gentry; it is the uniform Plenty diffused through a People, of which the meanest as well as greatest partake, that makes them happy, and the Nation powerful.<sup>376</sup>

Burke, whether he realizes it or not, is questioning the mercantilist wisdom that a country's material affluence could be evaluated accurately based on the amount of wealth possessed by the rich and powerful. Instead, for Burke, the circulation of goods among different socioeconomic classes, spanning the "meanest" to the "greatest" people, is the true measure of public prosperity and happiness. The illusion of select riches may deceive observers into miscalculating the wealth of nations.

There remains one more noteworthy instance that demonstrated Burke's enlightened sympathies for the less fortunate. In February 1780, Lord Beauchamp introduced a bill in Parliament that would have provided additional relief to insolvent debtors languishing in prison. The legislation struck a nerve with Burke's constituents in Bristol, many of whom relied on credit to finance their commercial endeavors. Burke later conveyed his awareness of this reality, and of the risk inherent in commercial investment, to his constituents when defending the bill. "...[Credit] is given, because capital *must* be employed; that men calculate the chances of insolvency; and they either withhold the credit, or make the debtor pay the

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<sup>376</sup> Langford, *Writings and Speeches*, I, 96.

risque in the price,” he remarked in *Speech at Bristol Previous to the Election*, in September 1780.<sup>377</sup>

Burke supported Beauchamp’s bill on the grounds of benevolence in his *Speech on Insolvent Debtors Bill*. As the *Morning Chronicle* noted about the speech, “[N]o man whose breast was not steeled against the impulse of humanity, could have heard him unmoved.”<sup>378</sup> Burke went so far as to support the “white-washing clause,” which would have gone further than Beauchamp’s bill and relieved honest debtors of all financial obligations while securing their property against future claims from creditors.<sup>379</sup> Bristol constituents were unconvinced by his reasoning, and removed much of their support for Burke.<sup>380</sup> The bill was greeted with sharp resistance in the House of Commons, and kept getting delayed thereafter.<sup>381</sup>

Burke elaborated on his opposition to the bill in *Speech at Bristol Previous to the Election*. He noted that existing law relating to civil debt was premised on the misguided assumption that all debtors were solvent. This was not the case, and thus the debtor was forced to “be coerced his liberty until he makes a payment.”<sup>382</sup> Their imprisonment for life reflected a “miserable mistaken invention” that changed a “civil into a criminal judgment, and to scourge misfortune or indiscretion” with an unreasonable punishment.<sup>383</sup> Burke’s argument rested on the principle of proportionality: men who were in debt to creditors did not deserve to be treated like dangerous criminals.

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<sup>377</sup> Langford, *Writings and Speeches*, III, 637.

<sup>378</sup> Langford, *Writings and Speeches*, III, 553.

<sup>379</sup> Langford, *Writings and Speeches*, III, 553.

<sup>380</sup> Langford, *Writings and Speeches*, III, 552.

<sup>381</sup> Langford, *Writings and Speeches*, III, 553.

<sup>382</sup> Langford, *Writings and Speeches*, III, 635.

<sup>383</sup> Langford, *Writings and Speeches*, III, 635-36.

Burke supplied a number of other arguments in defense of the bill in *Speech at Bristol Previous to the Election*. He revives his appeal to the principle of fairness: “I know that credit must be preserved; but equity must be preserved too...” Burke said.<sup>384</sup> Besides, Burke noted, the principle of credit was not even imperiled by Beauchamp’s bill. The procedures for condemning debtors to prison were carried out in an arbitrary fashion. And the creditor did not gain utility from the existing arrangement. “...[I]f the few pounds of flesh were not necessary to his security,” Burke stated, “we had not a right to detain the unfortunate debtor, without any benefit at all to the person who confined him.”<sup>385</sup> Furthermore, the public would become increasingly restless over the growing expenses of prison administration.<sup>386</sup> Ultimately, the legal implications of financial and commercial enterprise should not be judged the same way as criminal law. “The counting-house has no alliance with the jail,” Burke quipped.<sup>387</sup>

Because many of his Bristol constituents did not support Beauchamp’s bill, Burke’s endorsement of it cannot be seen as a political ploy. Instead, it was an expression of Burke’s genuine sympathy for the plight of debtors. In *Speech at Bristol Previous to the Election*, Burke also praised the efforts of philanthropist and prison reformer John Howard, who had traveled throughout Europe to undertake a rigorous study of the poor, the sick, and the infirm. He sought to “plunge into the infection of hospitals; to survey the mansions of sorrow and pain; to take the gage and dimensions of misery, depression, and contempt; to

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<sup>384</sup> Langford, *Writings and Speeches*, III, 636.

<sup>385</sup> Langford, *Writings and Speeches*, III, 637.

<sup>386</sup> Langford, *Writings and Speeches*, III, 637.

<sup>387</sup> Langford, *Writings and Speeches*, III, 637.



remember the forgotten, to attend to the neglected...”<sup>388</sup> For someone so critical of the phrase “laboring poor,” Burke exhibited a deep concern for the less fortunate.

#### f. Equality

Burke’s trustee notion of the rich-poor relationship is part of his larger argument in *Thoughts and Details* against wealth redistribution in the name of abstract equality. For Burke, the rich were the trustees of the poor, and also their “Pensioners.”<sup>389</sup> Just as the poor<sup>390</sup> depended on the rich to provide them with the means for nutriment and lodging, the rich depended on the poor for labor. Disrupting this delicate relationship would inflict injury on both. Equality in theory meant disorder in reality.

Burke first makes a pragmatic, empirical argument in opposition to proposals to redistribute wealth through England. The rich are “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 [the rich] and themselves.”<sup>391</sup> The total amount of wealth owned by the most affluent members of society, if taken and allocated by the state, would fail to provide sufficient nutriment to struggling laborers. Hence “the throats of the rich ought not to be cut, nor their magazines plundered...”<sup>392</sup> Even if the state could seize their wealth and

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<sup>388</sup> Langford, *Writings and Speeches*, III, 638.

<sup>389</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>390</sup> This section will label struggling agricultural workers “the poor” with reservation. As Burke said, they were “miscalled the Poor” because they embodied a wide variety of work experiences, ages, sexes, and backgrounds. See Langford, *Writings and Speeches*, IX, 121, 127-28.

<sup>391</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>392</sup> Langford, *Writings and Speeches*, IX, 121.

reallocate it, the scheme would fail to fulfill the practical purpose of giving provisions to all poor agricultural workers.

Besides, taking wealth away from affluent employers would deprive them of the resources necessary to distribute adequate wages, food, and lodging to laborers. Thus attacking the affluent would be counterproductive. “When the poor rise to destroy the rich, they act as wisely for their own purposes as when they burn mills, and throw corn into the river, to make bread cheap,” Burke remarks.<sup>393</sup> This comment is representative of Burke’s deepest anxiety in *Thoughts and Details* that Jacobin-like extremism might enflame the public into seizing property and wealth.

Therefore, in Burke’s judgment, government efforts to regulate wages reflect a dangerous scheme to impose an equality of wealth on an unequal society:

A perfect equality will indeed be produced;—that is to say, equal want, equal wretchedness, equal beggary, and on the part of the partitioners, a woeful, helpless, and desperate disappointment. Such is the event of all compulsory equalizations. They pull down what is above. They never raise what is below: and they depress high and low together beneath the level of what was originally the lowest.<sup>394</sup>

These remarks constitute the essence of Burke’s beliefs about government wealth distribution. The state reallocation of wealth will reduce all men to indigence. For Burke, this may bring about equality—but such equality will be equally wretched conditions, not equally prosperous people. Equality as an idea translates into poverty as a fact.

Burke’s use of “compulsory” is important. His description of the different types of labor shows an awareness that work is naturally unequal. He also indicates, early on in *Thoughts and Details*, that a natural inequality arises among many people. “Numbers in [the

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<sup>393</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>394</sup> Langford, *Writings and Speeches*, IX, 127.

laboring poor's] nature imply poverty," Burke maintains. "In a fair distribution among a vast multitude, none can have much."<sup>395</sup> For Burke, poverty is inevitable because the natural unequal distribution of resources is inevitable.

What Burke opposes is the *forced*—"compulsory"—attempt by the state to thrust an abstract notion of equality on society through the control of economic resources. Compulsory equalization will hurt those with wealth, exacerbate the socioeconomic condition of those without it, and sow civil unrest. These views illustrate a fundamental lesson linking Burke's economic thought with his broader political philosophy: the notion of abstract equality, in economics and society, overlooks the intricate array of experiences, circumstances, and backgrounds of individuals. By trying to force uniform equality upon different people, the state neglects to respect the layered diversity of man.

Labor was complex not only because laborers worked different hours, under different conditions, with different skill sets, but labor itself occasioned a hierarchy of function. Burke explains how husbandry included three levels of operation: *instrumentum vocale*, or slaves; *semivocale*, cattle; and *instrumentum mutum*, carts and other production tools.<sup>396</sup> This division reflected a "natural and just order": the "beast is as an informing principle to the plough and cart; the labourer is as reason to the beast; and the farmer is as a thinking and presiding principle to the labourer."<sup>397</sup> This careful ordering exhibited a natural "chain of subordination"<sup>398</sup> in the agricultural economy. Nonetheless, for Burke, these different roles were necessary to ensure the efficient cultivation of crops for the market. Any attempt to disrupt this chain was particularly "absurd" when it impacted a "practical operation," in

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<sup>395</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>396</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>397</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>398</sup> Langford, *Writings and Speeches*, IX, 125.

which the perversion of a natural order was particularly “prone to an erroneous judgment.”<sup>399</sup> Hence Burke’s idea of economic inequality included disparities in the possession of wealth *and* variations in the specific tasks of labor. Efforts on the part of the state to ignore or alter these differences would militate against nature.

Before proceeding, one should not overlook the implication of Burke’s aforementioned remark about how the existence of poverty was due to the multitudes of people. His larger point is that poverty was a relative term rather than a static condition. Even if a person’s socioeconomic status was poor in relation to the affluent class, this did not necessarily mean that he was suffering. “[T]he condition of those who labour...is on the whole extremely meliorated, if more and better food is any standard of melioration,” Burke states in *Thoughts and Details*.<sup>400</sup> Burke’s contention is that the “poor” in mid-1790s England benefited from a higher standard of living than in previous years, even if the wealth gap between the rich and the poor persisted.

Burke uses this logic in his discussion on scarcity. Scarcity, like poverty, is not a fixed definition but a relative concept. “Never since I have known England, have I known more than a comparative scarcity,” Burke contends. “The price of wheat, taking a number of years together, has had no very considerable fluctuation, nor has it risen exceedingly until within this twelvemonth.”<sup>401</sup> The apparent scarcity and poverty of mid-1790s England did not inflict expected pain on the population: “Even now, I do not know of one man, woman, or child, that has perished from famine...”<sup>402</sup> The relative character of scarcity and poverty, Burke suggests, should encourage people to think carefully about the actual health of the

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<sup>399</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>400</sup> Langford, *Writings and Speeches*, IX, 122.

<sup>401</sup> Langford, *Writings and Speeches*, IX, 143.

<sup>402</sup> Langford, *Writings and Speeches*, IX, 143.

provisions markets, and to question whether the distresses of England's population were as harsh as agitators claimed.

We return to Burke's idea of equality. Even though he condemned Jacobin equality through wealth redistribution, he praised a different conception of equality grounded in the common nature of man.<sup>403</sup> This conception carried significant implications for his economic thought: as will be shown, Burke believed that men had the right to use what they produced, regardless of their cultural or ethnic background. Real equality in an economic context for Burke was the equal right to own property and cultivate resources for one's personal enjoyment. Jacobin equality, in Burke's eyes, would destroy this form of equality.

The additional aspect of Burke's idea of economic equality lies in his stress on the reciprocity of trade. He argues that preventing a producer from earning a profit would reduce him to being a "slave of the consumer."<sup>404</sup> This status benefits neither him nor the consumer; in contrast, the equal condition of trading partners, standing on the same soil of economic liberty, forms a synthesis of mutual advantage. "No slave was ever so beneficial to the master as a freeman that deals with him on an equal footing by convention," Burke writes, "formed on the rules and principles of contending interests and compromised advantages."<sup>405</sup> In his judgment, the equal opportunity to sell and purchase goods is an important condition of the real economic equality of man.

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<sup>403</sup> See Stanlis, *Edmund Burke and the Natural Law*.

<sup>404</sup> Langford, *Writings and Speeches*, IX, 130.

<sup>405</sup> Langford, *Writings and Speeches*, IX, 130.

**g. Conclusion: Burke and Prudence in *Thoughts and Details***

Burke's attempt to distinguish between the poor and the laboring poor, as well as his extended analysis of the three different types of labor, raise the first significant question about the consistency in his political thought and economic thought. Does Burke's fervent advocacy of market economies in *Thoughts and Details* violate his political philosophy of prudence and caution? Does he fall prey to the same error that he rebuked French Jacobins and their English sympathizers for committing, wielding wild rationalist claims of abstraction in the service of political objectives? Is not his framework of categorical definitions about labor and the poor itself a theoretical abstraction, imposing distinctions without differences with regard to agricultural laborers? If so, does he discredit the entire edifice of his economic theory and sever any possible connection with Hayekian economic theory, which was skeptical of rationalist claims in economic analysis?

In the early twentieth century, J.L. Hammond and Barbara Hammond were two of the first observers to recognize the apparent symmetry between the rigidity in Burke's *Thoughts and Details* and French Jacobinism. Burke's sunny assessment about the willingness of the farmer to pay his workers fairly reflected an "uncompromising application of the theory of the economic man, which was not less superficial than the Jacobins' application of the theory of the natural man."<sup>406</sup> Under this reasoning, Burke, as had the Jacobin *philosophes*, allowed abstract theorizing to intrude into eminently human affairs,

Gertrude Himmelfarb later underlined this apparent conflict between Burke's political philosophy and his economic thought. "However logical his distinction between

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<sup>406</sup> J.L. Hammond and Barbara Hammond, *The Village Laborer 1760-1832: A Study in the Government of England before the Reform Bill* (London: Longmans, Green, and Co., 1913), 135.

‘labouring people’ and ‘poor,’” she writes, “it was as unhistorical and as unrooted in reality as any of the ‘metaphysical distinctions’ and ‘delusive plausibilities’ expounded by the theorists of natural right.”<sup>407</sup> She argues that Burke dipped into the same sea of abstract rationalism that French Jacobins had. “To discard the familiar expression ‘labouring poor,’ to speak of ‘labour’ as a ‘commodity’ or ‘article of trade’ whose price was determined not by the ‘necessity of the vender’ (otherwise known as ‘subsistence’) but by the ‘necessity of the purchaser,’” Himmelfarb writes, “was to indulge in precisely the kind of abstractions he deplored on the part of the *philosophes*.”<sup>408</sup> Therefore, she continues, “The rhetoric and reasoning [in *Thoughts and Details*] were of a piece—but not of a piece with Burke’s normal mode of rhetoric and reasoning.”<sup>409</sup> She claims that Burke stretched Adam Smith’s free market principles further than Smith had.<sup>410</sup>

Rod Preece also contends Burke’s economic thought sacrificed the principles he advocated in his other writings and speeches. “What differentiates the *Thoughts and Details on Scarcity* from Burke’s other major works,” he writes, “is the failure to emphasize the primacy of circumstance, the dangers of generalization, the values of prudence...”<sup>411</sup> In the most recent scholarship on Burke’s economic thought, Michael Frazer characterizes *Thoughts and Details* as an “overheated economic essay”<sup>412</sup> in which Burke “calls for the implementation of

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<sup>407</sup> Himmelfarb, *Idea of Poverty*, 71.

<sup>408</sup> Himmelfarb, *Idea of Poverty*, 71.

<sup>409</sup> Himmelfarb, *Idea of Poverty*, 71.

<sup>410</sup> Himmelfarb, *Idea of Poverty*, 69.

<sup>411</sup> Rod Preece, “The Political Economy of Edmund Burke,” *Modern Age* 24 (1980): 268.

<sup>412</sup> Michael L. Frazer, “Seduced by System,” 368.

free market policies with dogmatic zeal, regardless of the consequences, equating the laws of the market with the commands of God.”<sup>413</sup>

Burke is vulnerable to these charges. Consider the following collection of categorical statements from Burke in *Thoughts and Details* praising the efficacy of free markets, some of which have already been mentioned, that appear to lack the nuance and subtlety of his other political commentary: an indiscreet tampering with provisions is the “most dangerous,” and it is “always worst” in the time of scarcity<sup>414</sup>; government “can do very little positive good in [providing provisions], or perhaps in any thing else”<sup>415</sup>; “Nothing can be so base and so wicked as the political canting language, ‘The Labouring Poor’”<sup>416</sup>; the interests of the farmer and the laborer “are always the same, and it is “absolutely impossible” that freely chosen contracts harm either party<sup>417</sup>; laws regulating wages can “never provide the just proportions between earning and salary on the one hand, and nutriment on the other”<sup>418</sup>; and “Nobody, I believe, has observed with any reflection what market is, without being astonished at the truth, the correctness, the celerity, the general equity, with which the balance of wants is settled.”<sup>419</sup> And, in his most explicit statement in *Thoughts and Details* grounded in theoretical

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<sup>413</sup> Frazer, “Seduced by System,” 358. Also see David McNally, *Against the Market: Political Economy, Market Socialism and the Marxist Critique* (London and New York: Verso, 1993), 73. McNally writes, in referring to Burke: “For here was the anti-revolutionary exponent of custom and tradition attacking two hundred years of customary relief for the poor by employing the same sort of abstract philosophical principles—in this case those of the free market espoused by political economy—which he had condemned when used by the French *philosophes* in their critique of absolute monarchy. Some customs and traditions, it appears, were for Burke less sacred than others.” See page 73.

<sup>414</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>415</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>416</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>417</sup> Langford, *Writings and Speeches*, IX, 124-25.

<sup>418</sup> Langford, *Writings and Speeches*, IX, 128.

<sup>419</sup> Langford, *Writings and Speeches*, IX, 133.



rationalism and religion, recall his appeal to the “laws of commerce,” presented in its full context here:

We, the people, ought to be made sensible, that it is not in breaking the laws of commerce, which are the laws of nature, and consequently the laws of God, that we are to place our hope of softening the divine displeasure to remove any calamity under which we suffer, or which hangs over us.<sup>420</sup>

These remarks have led C.B. Macpherson to state, “Whatever one may think of Burke’s theology, one need not doubt his certainty that the laws of the market were divinely ordained.”<sup>421</sup> For Macpherson, the “central assumption” of Burke’s economic doctrine was his “benign and wise Disposer of all things...”<sup>422</sup> Recall also Burke suggests that “Divine Providence” intentionally withheld “necessaries”<sup>423</sup> from the poor, at least temporarily. (Remember, however, that Burke writes earlier in *Thoughts and Details* that supply and demand reflects the “nature of things,” which “has provided for [laborers’] necessities.”<sup>424</sup>)

Karl Marx also noticed the boldness of the word choice above. In *Capital*, Marx quotes Burke’s “the laws of commerce, which are the laws of nature, and consequently the laws of God” before ascribing ulterior motives to Burke’s support for market activity. “No wonder that, true to the laws of God and of Nature, he always sold himself in the best market,” Marx writes.<sup>425</sup> More so, “In face of the infamous cowardice of character that reigns to-day, and believes most devoutly in ‘the laws of commerce,’ it is our bounden duty

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<sup>420</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>421</sup> C.B. Macpherson, *Burke*, 59.

<sup>422</sup> Macpherson, *Burke*, 59.

<sup>423</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>424</sup> Langford, *Writings and Speeches*, IX, 122-23.

<sup>425</sup> Karl Marx, *Capital: A Critique of Political Economy*, vol. I, *The Process of Capitalist Production*, trans. Samuel Moore and Edward Aveling (Chicago: Charles H. Kerr & Company, 1921), 834n (footnote continues from the previous page’s footnote 2).

again and again to brand the Burkes, who only differ from their successors in one thing—talent.”<sup>426</sup>

Does Burke, then, surrender his guiding principles of prudence and caution on the altar of free market zealotry in *Thoughts and Details*? First, one must be careful not to exaggerate Burke’s theoretical appeals in the tract. Burke was most certainly influenced by Scottish Enlightenment economics and its unique brand of natural law philosophy, but the quotation above is the only time Burke specifically mentions God,<sup>427</sup> in a letter of over 11,000 words. Burke, in a wink to Smith’s Invisible Hand concept, also refers to the aforementioned “the benign and wise disposer of all things”<sup>428</sup> that steers individual self-interest toward the greater good. But far more of his analysis in *Thoughts and Details* is driven by empirical examination of the actual effect of supply and demand laws on concrete market activities. In addition, as will be demonstrated, Burke was more likely to invoke nature when discussing the origins of *landed property* rather than commercial activity.

Burke still remains susceptible to the charge that his impassioned pro-market positions, and his employment of rationalist distinctions, defy his rhetorical strategy of prescription and prudence. This is the case, however, only if one accepts the premise that the tone of his other speeches and writings is one of prudence and restraint. This assumption is problematic. First, the passion that drips from *Thoughts and Details* does not distinguish it from the strong emotions transmitted in Burke’s other writings on economics and other topics. As we shall see, Burke conveyed strong, unapologetic positions on the virtues of market economies years before *Thoughts and Details*. This pattern of passionate conviction

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<sup>426</sup> Marx, *Capital*, 834n (footnote continues from the previous page’s footnote 2).

<sup>427</sup> As noted above, he also references “Divine Providence.”

<sup>428</sup> Langford, *Writings and Speeches*, IX, 125.

spread throughout his writings that touched upon topics beyond economics, most famously in *Reflections* and in his speeches on the trial and impeachment of Warren Hastings. This is not to say that Burke's arguments were not grounded in principles of practical reason, but that the delivery of his argumentation was oftentimes rife with passion and not cool detachment, and indeed sometimes overwhelmed the logical pull of his reasoning.

Next, is Burke's actual assessment of specific government policies as categorical as his aforementioned appeals to nature and God? Burke does say that "[n]othing, certainly, can be laid down on the subject [of state intervention in the marketplace] that will not admit of exceptions, many permanent, some occasional."<sup>429</sup> But is this true? A careful reading shows that Burke does leave at least some room for exceptions and gradations of approval in his support for market economies. As noted, he references two wage hikes without criticism, and in fact intimates backhanded praise by writing that they had kept pace with the cost of provisions.<sup>430</sup> Burke is also careful to emphasize his opposition to *arbitrary* taxation, as opposed to any type of taxation.<sup>431</sup> In his *Observations on a Late State of the Nation*, he actually concedes that taxation does not necessarily hamper consumption when demand is disproportionately high.<sup>432</sup>

In addition, as will be discussed in the next chapter, he does leave room for government involvement in national defense, government-chartered corporations, and

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<sup>429</sup> Langford, *Writings and Speeches*, IX, 143.

<sup>430</sup> Langford, *Writings and Speeches*, IX, 123. "Wages have been twice raised in my time, and they bear a full proportion, or even a greater than formerly, to the medium of provision during the last bad cycle of twenty years. They bear a full proportion to the result of their labour." Thus, Sheryl Craig perhaps mischaracterizes Burke's position by writing that Burke, along with other "radical Whigs," "vehemently opposed any minimum wage." See Craig, *Jane Austen and the State of the Nation* (London: Palgrave Macmillan, 2015), 56.

<sup>431</sup> See "Laissez Faire and the Role of State Regulation," Chapter 4.

<sup>432</sup> See Langford, *Writings and Speeches*, II, 141-43.

measures to raise revenue.<sup>433</sup> Burke did articulate some support early in his political career for the export bounty, which, according to him, “had rendered in effect corn cheaper.”<sup>434</sup> Remember also that *Thoughts and Details* does not question the premise of the existing Speenhamland system of public welfare, but addresses a particular historical circumstances and particular specific policy proposals at the time, such as raising wages and establishing public granaries.<sup>435</sup> These exceptions suggest that, in practice, Burke’s seemingly rigid allegiance to the “laws of commerce” in *Thoughts and Details* might relax itself depending on the circumstance of time and place.

There are two additional factors to consider when examining the level of emotional intensity in the tract. First, the ardor of Burke’s pro-market inclinations can be explained by his perception that the prospect of Jacobin-like wealth redistribution schemes posed a hazard to social order in England. Burke’s passionate statements in *Thoughts and Details*, like *Reflections*, then, could appear to be proportional to the perceived excesses of radical French schemes. Framed another way, a seemingly disinterested, moderate reaction to a revolutionary threat might be immoderate, since that reaction would be inadequate to match the fervor of the revolutionaries. Under this reasoning, one chief reason why Burke communicated his economic thoughts with such emotional force was to match the fire of the Jacobins.

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<sup>433</sup> See Langford, *Writings and Speeches*, IX, 143.

<sup>434</sup> “The Proceedings of a Political Club,” *The Gentleman’s and London Magazine: or, Monthly Chronologer*, vol. XL (Dublin: John Exshaw, 1741), 263. Burke’s temporary advocacy for the bounty was driven not simply by economic reasons but by political ones: at the time there was a power struggle in Parliament over the extent to which the House of Lords could amend money bills written in the House of Commons. See Lock, *Edmund Burke*, vol. I, 320-21.

<sup>435</sup> Bourke has also noticed this. See Bourke, *Empire & Revolution*, 891.

The second factor is simply that Burke did not necessarily polish up *Thoughts and Details* for publication. His executors combined his original memo to Dundas and Pitt with the fragments of a letter he was drafting to Arthur Young, which he intended to publish. One wonders whether Burke, if he had more time to revise the tract, would have removed or moderated some of his more categorical statements or classificatory distinctions describing market activity.

This theory, while plausible, is not entirely convincing. Burke's *Reflections* in some ways exceeds Burke's passion in *Thoughts and Details*. Yet it was published on 1 November 1790 in England, almost one year after its initial draft, in a letter to Charles-Jean-Francois Depont, Burke's friend and French correspondent. In other words, Burke had ample time to moderate the high temperature of his emotional statements in *Reflections*, and yet he maintained his ardent anti-Jacobin sentiment throughout the commentary. Thus it is dubious to assume that Burke would have softened some of his more zealous statements in *Thoughts and Details*, especially when, from Burke's perspective, the menace of Jacobin economic policy threatened socioeconomic order in England, just as it had in 1790 when *Reflections* was published.

In conclusion, Burke is responsible for opening himself up to the criticism that his economic thought does rely on divine approval of supply and demand principles. Nevertheless, the tract's emotional fire does not distinguish it from the tone of many of Burke's other writings and speeches. Moreover, a preoccupation with Burke's infrequent appeals to nature or God overlooks his more practical, nuanced beliefs about actual government intervention in the economy. But these beliefs transcended insights into supply and demand and prices.

## Chapter 4: Burke on Market Economies II

### a. Introduction

Burke's thoughts on supply and demand laws, prices, and labor touch the surface of the deeper philosophic substance of *Thoughts and Details*. One of the tract's more profound insights relates to the very nature of free exchange: consensual market transactions create a harmony of interest for each party involved in the trade. Burke uses this argument to justify government restraint in markets, since in his view state intrusion would disrupt the natural symmetry that arises from voluntary agreements between people. Before exploring his thoughts on this matter, however, let us strengthen our understanding of the historical context that motivated Burke to praise consensual exchange.

Debating the merit of increasing the minimum wage was not a speculative exercise at the time Burke wrote *Thoughts and Details*. Before Samuel Whitbread introduced his minimum wage bill in December 1795, justices of the peace in the county of Suffolk, located in East Anglia, had recommended that the wages of workers be raised to keep pace with rising corn prices. One of the members of Parliament who represented Suffolk, John Rous, 1<sup>st</sup> Earl of Stradbroke, referred to this proposal during parliamentary debate on 25 November 1795.<sup>436</sup> This reference may have served as the trigger for Burke's discussion in *Thoughts and Details* about the role of justices of the peace in regulating the salaries of laborers.

In addition to Suffolk, a court of mayoralty in Norwich, also located in East Anglia, requested on 21 October 1795 that the city's MPs "bring forward and support such measures as may have the most probable tendency to reduce the present exorbitant prices of

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<sup>436</sup> See William Woodfall, ed., *An Impartial Report of the Debates That Occur in the Two Houses of Parliament*, vol. I (London: T. Chapman, 1795), 487. See also Langford, *Writings and Speeches*, IX, 123n1.

every Necessity of life.”<sup>437</sup> This proposal was submitted under the reasoning that the city’s magistrates were “intrusted with the police of a populous commercial city [and] as Members of a Christian community.”<sup>438</sup> The idea that justices of the peace in Suffolk and Norwich could, and should, set wage rates was grounded in historical and legal authority: they had been authorized nationally to determine the salaries of laborers ever since the Statute of Artificers<sup>439</sup> was passed under Elizabeth I,<sup>440</sup> although the statute was not enforced rigorously throughout time.<sup>441</sup>

In general, the authority of justices of the peace in the late medieval and early modern periods expanded as that of the county sheriff and coroner receded. Originally the justices were vested with the responsibility of preserving the peace, and would preside over such matters in quarter sessions. Their powers grew to include a wider range of administrative duties. By the seventeenth century, G.E. Mingay writes, the most important obligations of justices of the peace, other than keeping the peace, “were concerned with the regulation of prices, wages, and apprenticeship, the supervision of bridges and highways, licensing of alehouses and the operation of the recusancy laws, game laws and poor laws.”<sup>442</sup>

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<sup>437</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>438</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>439</sup> See “Historical Background and Context,” Chapter 3.

<sup>440</sup> Local authorities were able to set wage rates before the Statute of Artificers; the 1563 statute, however, established a system that gave official *state* sanction to magistrates to regulate economic matters. See R.H. Tawney, “The Assessment of Wages in England by the Justices of the Peace,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 11 (1913): 315. “In drawing up its great industrial code, the State only applied on a national scale what had long been the practice of a large number of Towns.”

<sup>441</sup> See Samuel Mencher, *Poor Law to Poverty Program: Economic Security Policy in Britain and the United States* (Pittsburgh: University of Pittsburgh Press, 1967), 29; and John O’Grady, “A Legal Minimum Wage” (PhD diss., The Catholic University of America, 1915), 17.

<sup>442</sup> Mingay, *Gentry*, 125.

The position did not lend itself to anonymity: in times of socioeconomic distress, including during the 1790s, the public would increasingly direct their ire toward the magistrates.

The minimum wage was not the only regulatory policy Burke confronts in *Thoughts and Details* at great length. In 1795 the British government bought corn in international trade markets and distributed them domestically to distressed areas. In light of this trade, there were growing calls to establish public granaries,<sup>443</sup> such as the proposal put forth by MP Thomas Pownall. In *Considerations on the Scarcity and High Prices of Bread-Corn and Bread at the Market*, published in early November 1795, Pownall wrote that “Great cities” and “great towns” such as London and Bristol, the city Burke previously represented, as well as other manufacturing districts, should

as a measure of political economy, establish magazines, so as to be enabled to meet an approaching scarcity and enhancing price, whether real or artificial, with corn, at all times *in sufficient quantity*, to prevent such scarcity; *and at prices*, proportioned to a due profit on one hand, and to the scale of the wages of labour, on the other.<sup>444</sup>

Pownall is voicing the central economic concerns in the mid-1790s, the aggravated cost and perceived scarcity of provisions, in order to vindicate his proposal for public granaries.

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<sup>443</sup> The idea of public granaries was not novel. London established its first one in 1440. See Bruce M.S. Campbell et al., *A Medieval Capital and Its Grain Supply: Agrarian Production and Distribution in the London Region, c. 1300* (London: Institute of British Geographers, Historical Geography Research Group, 1993), 104. See also Jordan Claridge and John Langdon, “Storage in medieval England: the evidence from purveyance accounts, 1259-1349,” *The Economic Review* 64 (2011): 1242-1265. Henry VIII also instituted one before abandoning the project. See Ray Bert Westerfield, *Middlemen in English Business[:] Particularly Between 1660 and 1760* (New Haven: Yale University Press, 1915), 140.

<sup>444</sup> Thomas Pownall, *Considerations on the Scarcity and High Prices of Bread-Corn and Bread at the Market; Suggesting the Remedies in a Series of Letters* (Cambridge: Francis Hodson, 1795), 55-56.



In *Considerations*, Pownall targets forestallers and regraters<sup>445</sup> for contributing to these stresses and strains on the market economy. “[L]aws ought to be made” and “carried into execution” against them.<sup>446</sup> He continues: “The only way to meet this monopoly of the supply, and this monopolizing command of the market, *is by regulations of police.*”<sup>447</sup> Pownall’s reproach of forestallers and regraters for their tight grip on the monopoly of market activities expressed an anxious public concern at the time. It further reflected the bitter animosity that had traditionally been leveled against such “middlemen,” traders who transferred goods between producers and consumers. Pownall’s perspective is immediately relevant to Burke’s beliefs about middlemen in *Thoughts and Details*, as will be shown in this chapter.

Also keep in mind that the movement in the 1790s in support of state economic regulations occurred around the same time that the charm of French Jacobin policies of wealth redistribution was infiltrating the minds of reform-minded Englishmen, including radical Whigs in the House of Commons. Thus Burke’s concerns about the minimum wage stretched beyond the regulation’s immediate policy implications. His underlying worry was that rash legislation would create even more tensions and anxieties in the fragile agricultural economy; that it would impose a national policy prescription on local English communities; and that the general government itch to regulate socioeconomic relationships between farmers and laborers would unsettle the harmony that emerged between the two parties. The question remains how he arrived at such conclusions.

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<sup>445</sup> Forestalling and regrating will be addressed later in this chapter.

<sup>446</sup> Pownall, *Considerations on the Scarcity*, 55.

<sup>447</sup> Pownall, *Considerations on the Scarcity*, 55.

## b. Voluntary Contracts and Market Transactions

The core of Burke's argument in *Thoughts and Details* about voluntary market transactions between employers and employees rests on the idea of a synthesis of interest. Free exchanges confer mutual benefits because the enlightened self-interest of individuals, fused with the market structure of incentives, steers private initiative toward greater public advantages, including the advantages of those immediately involved in the transaction.

Burke presents this reasoning through his concept of the "implied contract." He asserts that a free agreement between a laborer and his employer should not be subject to arbitrary taxation from justices of the peace because

[t]here is an implied contract, much stronger than any instrument or article of agreement, between the labourer in any occupation and his employer—that the labour, so far as that labour is concerned, shall be sufficient to pay to the employer a profit on his capital, and a compensation for his risk; in a word, that the labour shall produce an advantage equal to the payment. Whatever is above that, is a direct *tax*; and if the amount of that tax be left to the will and pleasure of another, it is an *arbitrary tax*.<sup>448</sup>

For Burke, an implicit awareness surfaces between the employer and laborer of the expectations from a consensual market agreement. The employee will provide labor to his boss to help him yield a profit and compensate against risk in the agricultural investment of capital. The employer will pay his worker "equal" to the benefit that the worker will potentially provide to him. In essence, the self-interest of the employee comes into contact with the self-interest of the employer when both freely choose to enter into a contract, forming a crystal of unity.

It is of paramount significance that Burke distinguishes the strength of this "implied" contract with "any instrument or article of agreement"—formal legal contracts, statutes,

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<sup>448</sup> Langford, *Writings and Speeches*, IX, 123.

judicial orders, and executive edicts. By making this distinction, Burke is suggesting that the spark of reciprocal interest is not a literal, external command, carved meticulously into stone by political authorities, but the intuitive understanding that each side stands to gain in some way from serving the other. Such contracts are legally protected and enforced. But, according to Burke, their origin lies in the human inclination to seek out others for a self-interested purpose rather than in the political imperative to force people to interact with their fellow man.

This insight awakens us to another area of convergence between Burke's economic and political thought. One of the central conceptions of his political philosophy is that organically forming social associations and political inheritances acquire an enduring vitality throughout generations, and that they cannot necessarily be established by the imposition of abstract reason in politics. He writes in *Reflections*:

In this choice of inheritance we have given to our frame of polity the image of a relation in blood; binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars.<sup>449</sup>

Social groups are woven together by tender bonds of affection, and are part of the rich fabric of ancestral wisdom. More so, for Burke, individuals are first attached to human associations *closest* to them. This impulse leads to a fondness for more distant attachments.

Burke, most likely referring to social orders, writes in *Reflections*:

To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country and to mankind.<sup>450</sup>

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<sup>449</sup> Langford, *Writings and Speeches*, VIII, 84.

<sup>450</sup> Langford, *Writings and Speeches*, VIII, 97-8.

Social groups blossom naturally, developing from the human instinct to associate with others. These groups preserve civil order and strengthen civil society.<sup>451</sup>

Burke suggests that the origin of the “implied contract” in markets is drawn, first and foremost, from this human impulse. And it is augmented by the pre-cognitive understanding that each party places himself in a position to gain in some meaningful way through interaction with others in exchange economies. Burke indicates that such an implied contract carries a depth of complexity that human language struggles to articulate in statutes. Therefore, just like people intuitively form social groups without oversight from the state, private employment agreements reflect the natural tendency of individuals to exchange with others, and to make mature decisions about their socioeconomic situations, without needing the aid of government legislation.

From Burke’s perspective, a tax upsets the natural equipoise of voluntary contracts by distorting the equality between the payment of the wage and the advantage of labor. Burke explains in his quotation above that this tax can be direct or arbitrary. He reserves his scorn especially for the latter kind because of its autocratic nature, one determined by “will and pleasure” and unchecked by any legal constraints. The chief similarity between direct

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<sup>451</sup> Burke did not employ the term “civil society” the same way we refer to it today. He, like other early modern political theorists, tended to use it to denote political communities contradistinguished from an abstract state of nature. In addition, he did not necessarily pit the idea of social associations *against* the notion of the state. See Richard Boyd, “‘The Unsteady and Precarious Contribution of Individuals’: Edmund Burke’s Defense of Civil Society,” *The Review of Politics* 61 (1999): 465-491. See pages 468-71 in particular. Hegel was the first thinker to define civil society the same way we associate the phrase today, as the zone of social interaction *between* the individual and the state.

and arbitrary taxes, however, is that both threaten the balance that emerges from consensual participation in employment contracts.

Arbitrary taxation reveals two particular problems for Burke: confusion over the role of the judge in economic transactions, and the presumption of knowledge from such judges in assuming they know the best interests of the mutual parties involved. The first issues arises from failing to distinguishing between “convention” and “judicature,”<sup>452</sup> as Burke writes in *Thoughts and Details*. “Convention” in this context signifies organic employment contracts between parties who freely choose to enter into them. For Burke, the authority of a judge<sup>453</sup> does not grant him the power to infringe on this voluntary contract by regulating the terms of the agreement, such as setting wage rates. The magistrate “cannot dictate the contract,” Burke writes.<sup>454</sup> Instead, “It is his business to see that it *enforced*; provided that it is not contrary to pre-existing laws, or obtained by force or fraud.”<sup>455</sup> In Burke’s judgment, the role of the judge is to help carry out the existing contract, or to determine whether it violates existing law. Burke’s next sentence distills the essence of his critique of judges who assume the role of the legislator: “If he is in any way a maker or regulator of the contract, in so much he is disqualified from being a judge.”<sup>456</sup> The magistrate should not be a legislator, issuing third-party commands controlling the socioeconomic relationship between the employer and the employee. If the magistrate acts as a lawmaker, he violates the integrity of his judicial authority, which, Burke suggests, is grounds to discharge him from his office.

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<sup>452</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>453</sup> Burke uses “judge” to refer to the magistrate, or justice of the peace, who held the power to regulate wages.

<sup>454</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>455</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>456</sup> Langford, *Writings and Speeches*, IX, 124.

The second problem, and one which carries deeper philosophical implications than controversies over the role of the judiciary, is the question of knowledge. Burke asks hypothetically in *Thoughts and Details* which party is in the better position to determine his own self-interest: the people who are “mutually concerned in the matter contracted for,” or third parties who “can have none, or a very remote interest in it, and little or no knowledge of the subject”?<sup>457</sup> Burke’s conclusion is that the former party is in the better position to judge his self-interest. He writes:

...[F]or what man, of any degree of reflection, can think, that a want of interest in any subject closely connected with a want of skill in it, qualifies a person to intermeddle in any the least affair; much less in affairs that vitally concern the agriculture of the kingdom, the first of all it's concerns, and the foundation of all it's prosperity in every other matter, by which that prosperity is produced?<sup>458</sup>

These comments, supplemented by his previous quotation about the implied contract, shine light on one of the most persistent messages in *Thoughts and Details*: people who immediately engage in agricultural-based market exchange can better determine their self-interest than third parties. Magistrates are distant from the activities of individuals, and thus do not hold the same wellspring of knowledge about the specific circumstances of time and place as the contracted parties. In contrast, market participants, due to their direct involvement in the voluntary transaction, possess the knowledge, skills, and experience necessary to come to an informed opinion about whether employment contracts and wage rates will advance their well-being.

More so, Burke writes, a contract is a symbol of mutual autonomy. It is a “matter of discretion and of interest between the two parties.”<sup>459</sup> The parties are “the masters.”<sup>460</sup> If

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<sup>457</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>458</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>459</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>460</sup> Langford, *Writings and Speeches*, IX, 124.

they do not hold command over their decisions to enter into and fulfill their contract, then “they are not free, and therefore their contracts are void.”<sup>461</sup> Discretion steers the decision-making of the parties immediately involved; interest is the spark that makes them enter into contracts in the first place. In neither case, Burke suggests, should third parties play a part.

Burke does not endorse the advantages of mutual economic agreements with blind deference. He writes in *Thoughts and Details* that it is better to reserve a zone of autonomy for individuals to enter into contracts as long as “there is no force or fraud, collusion or combination...”<sup>462</sup> As stated above, Burke writes that judges should enforce the law, not create new regulations, insofar as the contract does not contravene existing legislation or was not established by “force or fraud.”<sup>463</sup> Based on these qualifications, Burke does intimate a subtle awareness that some contractual agreements are tainted by compulsion and deceit.

A glaring flaw in *Thoughts and Details*, however, is that Burke glides over this implication. One critique of the idea that voluntary transactions induce mutual benefits is that contracts are plagued by asymmetric information—one party knows more information about the trading goods than the other, and therefore is capable of exploiting the weaker party to his advantage.<sup>464</sup> Burke gives little indication that he considers this possibility. He does not reflect on whether an employer may intentionally underestimate to a prospective employee the rigor of the agricultural labor to be performed, or the harsh working

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<sup>461</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>462</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>463</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>464</sup> See George Akerlof’s seminal article about information asymmetry in the used-car market, “The Market for ‘Lemons’: Quality Uncertainty and the Market Mechanism,” *The Quarterly Journal of Economics* 84 (1970): 488-500. Also see Jean-Jacques Laffont and David Martimort, *The Theory of Incentives: The Principal-Agent Model* (Princeton and Oxford: Princeton University Press, 2002) for discussion of adverse selection and moral hazard, two related phenomena of information asymmetry.

conditions under which he would work. For that matter, Burke also does not entertain the prospect that the future employee may exaggerate his skills in husbandry or his work ethic in order to convince the employer to agree to the contract.

Indeed, anecdotal evidence suggests that relations between employers and employees were not as harmonious as Burke leads one to believe in *Thoughts and Details*. For instance, Gwenda Morgan and Peter Rushton researched the activities of Reverend Peter Tew, a rector of Boldon and magistrate who presided over economic disputes regarding questions of employment conditions and welfare relief, as well as other cases involving personal injury and moral offenses, in the 1750s and 1760s.<sup>465</sup> They found that it was not unusual for employees to issue complaints to Tew claiming that they were abused or not trained properly. Others charged that their employers withheld their wages or did not pay them all. Table 4.1 shows this variety of complaints from employees, a group that included apprentices, servants, and other unspecific workers in the agricultural, retail, and maritime industries.

Table 4.1 Cases Concerning Apprentices, Servants, and Other Employees

Most Important Complaints	Abuse	Wages	Ejection	Other/Unknown	All
Apprentices	42.6% (23)	25.9% (14)	5.5% (3)	25.9% (14)	100% (54)
Servants	26.4% (19)	40.3% (29)	25.0% (18)	8.3% (6)	100% (72)
Unspecific employees	4.5% (4)	80.7% (71)	9.1% (8)	5.7% (5)	100% (88)

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<sup>465</sup> Gwenda Morgan and Peter Rushton, "The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England," *Historical Research* 76 (2003): 54-77.



Total number of complaints by apprentices, servants, and employees: 214

Source: Morgan and Rushton (2003)

Disputes over wages accounted for the vast majority of cases for the third group of employees, a large plurality for servants, and over one-fourth for apprentices.

Workers were not entirely innocent of misconduct, however: employers and masters themselves would file complaints protesting that employees would not complete their work tasks; in fact, over seventy-percent of their cases involved this charge.<sup>466</sup>

There are methodological limitations to such empirical evidence when contrasting it with Burke's sanguine assessment of voluntary exchange. It is a limited data set; the substance and demographics of England's economy changed from the 1760s to the 1790s, such as population growth and industrialization; Tew's service as magistrate preceded *Thoughts and Details* by at least twenty-five years; some of the employees worked in industries other than agriculture (Burke primarily referred to the agricultural economy in *Thoughts and Details*); some of the employees may have exaggerated or fabricated their claims of abuse; and the caseload of Tew may have been different from disputes heard from other magistrates in different counties.

Still, Burke could have at least included a paragraph or two in *Thoughts and Details* on these issues, even if he did not intend the tract to be a treatise like *Wealth of Nations*. Surely any educated person at the time, and especially a distinguished figure like Burke, would have been aware of *some* cases of abuse and fraud in employment contracts, even in the midst of England's booming economy in the eighteenth century. One wonders whether Burke, if he

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<sup>466</sup> Morgan and Rushton, "The Magistrate, the Community and the Maintenance," 64.

had decided to expand upon the memorandum in a book-length letter, would have more seriously considered the possibility of information asymmetry in market economies. Because if only half of the complaints above had some basis of legitimacy, it is clear that more than a few relationships between employees and employers were wracked with mistrust and maltreatment, if not downright abuse, in England's market economy in the latter half of the eighteenth century. And if Burke had admitted this possibility in *Thoughts and Details*, perhaps the tract would have had more persuasive power.

To summarize, Burke depicts voluntary market transactions as questions of reciprocal self-interest, epistemological utility, and judicial integrity. Free exchange promotes the well-being of the contracting individuals. Parties who enter into agricultural employment have a particular interest in doing so, and their breadth of knowledge about their economic circumstances exceeds that of third parties. In Burke's judgment, attempts by magistrates to meddle in contracts assume a presumptive air of knowledge about the parties' best interests. More so, judicial intrusion into voluntary economic activities lies beyond the scope of their legal authority, and is the parent of confusion and arbitrary government. And even though Burke does not explicitly use justice as a moral rationale to preserve free commercial relations, it is safe to say, based on his praiseworthy assessment of them, that he believes voluntary contracts are more just than regulations by magistrates.

Burke's argument in favor of consensual market transactions was bold, particularly in light of growing calls in Parliament and the public to enhance government regulation of the economy. But it was not original. In *The Wealth of Nations*, published almost twenty years earlier, Adam Smith wrote that market interactions between the countryside and the town furnish reciprocal benefits. "The gains of both are mutual and reciprocal," he wrote, "and the division of labour is in this, as in all other cases, advantageous to all the different persons

employed in the various occupations into which it is subdivided.”<sup>467</sup> Smith was referring to collective groups of people in this case—agricultural workers in the country, and industrial workers of the city—but the principle was the same as Burke’s articulation of the implied contract: one cardinal virtue of free market exchanges is that both parties gain in some way.

In addition, Burke’s emphasis on how immediate parties hold a stronger frame of reference to determine their self-interest than third parties, such as justices of the peace, was preceded by Smith’s insights in *Wealth of Nations* about the same issue. “What is the species of domestick which his capital can employ, and of which the produce is likely to be of the greatest value,” he wrote in *Wealth of Nations*, “every individual, it is evident, can, in his local situation, judge much better than any statesman or lawgiver can do for him.”<sup>468</sup> Hence Smith and Burke, and later F.A. Hayek, expressed one of the fundamental precepts of classical liberal economics: individuals who freely enter into a market contract have a vested interest in doing so, and are in a better position to realize their self-interest than third parties.

One must also clarify the uniqueness of this insight with reference to the Middle Ages. The idea of a mutually advantageous relationship itself was not a self-contained concept within classical economics. Under feudalism, the lord and the vassal each had a self-interest into entering into partnership, formalized through a ritual called the commendation ceremony. The lord received obedience and loyalty from the vassal, including military and administrative service, and the vassal would receive protection, aid, and land-tenure rights from the lord. “In this feudal arrangement,” George H. Sabine writes, “there was an aspect

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<sup>467</sup> Smith, *Wealth of Nations*, vol. I, 376.

<sup>468</sup> Smith, *Wealth of Nations*, vol. I, 456.

of mutuality, of voluntary performance, and of implied contract which has almost wholly vanished from modern political relationships.”<sup>469</sup>

Burke’s “implied contract” between the employer and laborer in *Thoughts and Details* is different. His idea of mutually beneficial relationships is driven largely by the fulfillment of material reward—profit in the case of the employer, and wages, as well as food and shelter, in the case of the laborer. Feudal arrangements, though shifting and heterogeneous throughout the Middle Ages, were defined not by the profit incentive but by duties of allegiance and obedience.

As we shall see in later chapters, Burke does not divorce traditional virtue from market activity. One of the most revealing features of Burke’s economic thought in *Thoughts and Details*, however, is that he shifts the feudal understanding of mutual interest grounded in moral duty to a market understanding of reciprocal benefits based on commercial virtue. What, specifically, constituted these commercial virtues?

### c. Incentive, Reciprocity, and Commercial Virtues

For Burke, the harmony of interest in voluntary exchange inspires a structure of incentives that help both parties in tangible ways. In Burke’s discussion of the benefits in *Thoughts and Details*, he hints at what we now call “commercial virtues,” such as industry, frugality, and hard work, that arise from this structure. Burke does not explicitly use the phrase, yet his description of the advantages of market transactions carry strong resonances with the concept today. But before continuing, it will aid us to briefly examine the traditional

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<sup>469</sup> George H. Sabine and Thomas Landon Thorson, *A History of Political Theory*, 4th ed. (Fort Worth, TX: The Dryden Press, 1978), 207.

conceptions of “virtue” in order to distinguish it from the commercial virtues that Burke discusses in *Thoughts and Details*.

Plato identified four virtues in the *Republic*: wisdom, courage, moderation, and justice.<sup>470</sup> Aristotle distinguished between virtues of thought and virtues of character in the *Nicomachean Ethics*. Virtues of thought included *sophia*, which embodied the intuitive discernment of reality, *nous*, and scientific, rationally cognizable knowledge, *episteme*.<sup>471</sup> Virtues of thought also included *phronesis*, practical wisdom that develops from man’s encounter with experiential reality in pursuit of human excellence.<sup>472</sup> Aristotle’s virtues of character were concrete traits of individual action, such as bravery, temperance, and generosity.<sup>473</sup> Fathers of the Catholic Church adopted classical antiquity’s four virtues and added three theological virtues: faith, hope, and charity.<sup>474</sup> Not one of these virtues was industry, efficiency, frugality, or work ethic, although one could make a convincing theoretical argument that they could be reconciled with the classical and theological virtues.

Burke applauds these virtues, as evidenced in his other writings like *Reflections*. But he also indicates in *Thoughts and Details* that the nature of market reciprocity gives rise to a range of other human qualities that promote strong commercial development. In discussing this issue in the memorandum, Burke first reasserts his belief that contracts signify an integrated unity of interest between parties. “[I]n the case of the farmer and the labourer, their interests

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<sup>470</sup> Plato, *Republic*, 105-113.

<sup>471</sup> Aristotle, *Nicomachean Ethics*, 148-72.

<sup>472</sup> Aristotle, *Nicomachean Ethics*, 158-63.

<sup>473</sup> Aristotle, *Nicomachean Ethics*, 71-93.

<sup>474</sup> See Rev. James Stalker, *The Seven Cardinal Virtues* (New York: American Tract Society, 1902).

are always the same,” he writes, “and it is absolutely impossible that their free contracts can be onerous to either party.”<sup>475</sup>

Burke then proceeds to outline the specific benefits for each part that emerge from the fulfillment of the terms of contract. These include material and psychological advantages:

It is the interest of the farmer, that his work should be done with effect and celerity: and that cannot be, unless the labourer is well fed, and otherwise found with such necessities of animal life, according to it's habitudes, as may keep the body in full force, and the mind gay and cheerful.<sup>476</sup>

Burke uses “interest” as we today would use “incentive.” In his judgment, the farmer has an interest in making certain that husbandry and tillage are performed efficiently and productively. Thus he is compelled to ensure that the worker is well-nourished and has access to other “necessaries” of life. Furthermore, in meeting the laborer’s need for nourishment, the farmer is advancing the physical strength and emotional well-being of his employee.

In addition, if the employer struggles to gain material reward from labor, the incentive system to provide for the worker collapses:

...[I]f the farmer ceases to profit of the labourer, and that his capital is not continually manured and fructified, it is impossible that he should continue that abundant nutriment, and cloathing, and lodging, proper for the protection of the instruments he employs.<sup>477</sup>

Overall, the advantages the laborer gains from consensual market transactions include the health of the body, the tranquility and optimism of the mind, and the high quality of working conditions.

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<sup>475</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>476</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>477</sup> Langford, *Writings and Speeches*, IX, 125.

Which commercial virtues, then, blossom from this structure of incentives?

Agricultural workers must demonstrate a strong work ethic, discipline, and dexterity in order to assist his employer in generating profit. They must show industry, efficiency, and vigor, as well as personal responsibility for their own physical and mental well-being. “Patience, labour, sobriety, frugality, and religion, should be recommended to them...” Burke writes in describing which qualities should be encouraged among poor laborers.<sup>478</sup> In his *Third Letter on a Regicide Peace*, he repeats these virtues, with the exception of labor.<sup>479</sup> More so, the incentive system propels farmers to treat his workers well, including providing sufficient nutriment, clothing, and shelter. Thus farmers must be responsible stewards of his land, workers, and tools. In short, a synchronization of effort emerges between both parties that creates virtue in commercial enterprise.

Burke’s remarks in *Thoughts and Details* on the benefits workers glean from private contracts point toward several implications for his thought on market economies. First, Burke’s belief that a structure of incentives, and not unconditional acts of charity and duty, prompts employers to treat agricultural laborers well captured one of the critical Enlightenment shifts from classical and Christian conceptions of virtue. The realization of traditional virtues required conscious acts of decision-making intended to meet a defined teleological goal, such as helping the needy. Burke’s perspective on employment contracts, however, suggests that the development of commercial virtues unfold from an incentive system, not deliberate acts of charity or love. Furthermore, commercial virtues are pursued not as ends in themselves but to the extent they help the individual fulfill his terms of the

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<sup>478</sup> Langford, *Writings and Speeches*, IX, 121.

<sup>479</sup> The “affected pity” of the laboring poor teaches them to “seek resources where no resources are to be found, in something else than their own industry, and frugality, and sobriety.” Langford, *Writings and Speeches*, IX, 355.

contract. Thomas Aquinas described the habit of Christian charity, the greatest theological virtue, as “not only to the love of God but also to the love of neighbor.”<sup>480</sup> While Burke’s political philosophy certainly does not reject the promise of charity, Burke’s attention to this issue in *Thoughts and Details* is scant. In his primary economic writing, incentives matter far more to him than pure acts of benevolence.

Burke’s comments on the balance of interests in voluntary market exchange suggest this partnership may actually represent a more tenuous relationship than he explicitly lets on in *Thoughts and Details*. If the farmer is not able to produce a profit, the laborer, as Burke writes above, will lose the advantages of food, clothing, and shelter that were generated from the set of incentives inherent in the original contract. Would not this very loss of necessities endanger the life of the agricultural worker? Does, then, the seeming stability of mutual employment transactions stand on a wobblier foundation than Burke insinuates? He never addresses these concerns in *Thoughts and Details*.

Burke does say that the laborer is tasked with the imperative of ensuring that the farmer receives financial gains from his investment in labor. “It is therefore the first and fundamental interest of the labourer, that the farmer should have a full incoming profit on the product of his labour,” he avers.<sup>481</sup> Burke calls this reality “self-evident.”<sup>482</sup> What Burke is really suggesting in *Thoughts and Details*, although he never writes it expressly, is that the material, physical, and emotional well-being of the contracted laborer depends primarily on the worker’s capacity to help his employer produce a profit.

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<sup>480</sup> St. Thomas, *Summa Theologica*, vol. III, 1280. See II-II, Q. 25, Art. 1.

<sup>481</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>482</sup> Langford, *Writings and Speeches*, IX, 125.



One can sum up Burke's thoughts this way: if both parties fulfill the responsibilities intrinsic to free contracts, both parties benefit. The farmer reaps a profit—no certain thing at the time because of the volatility of the agricultural economy—while the worker is kept well-fed, physically fit, and mentally alert. The commercial virtues of frugality, industry, and personal responsibility bloom from a fertile architecture of economic incentives. Freely chosen contracts produce a kind of homeostasis—an organic process of absorbing, mixing, and balancing varying human desires to form an equipoise of market activity. Consensual exchange transforms a convergence of interests into an island of harmony.

The employer and the employee were not the only parties involved in England's economy, however. There was at least one other group that influenced market activity, possibly even more so than the employer and employee. And Burke's statements on this third party illuminate his pro-market inclinations in *Thoughts and Details* with perhaps an even brighter glow than his lauding of voluntary transactions. In doing so, he defended one of the most maligned social groups in human history.

#### **d. Middlemen**

One of the central economic functions in exchange economies is completed by individuals who stand between the producer and the consumer. These individuals, known as “middlemen”<sup>483</sup> or “middleman minorities,”<sup>484</sup> help transform wholesale goods and services into improved retail products that are purchased by consumers in mass markets.

Traditionally, middlemen were typically non-citizens of countries or empires who traded and

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<sup>483</sup> See, for instance, Westerfield, *Middlemen in English Business*.

<sup>484</sup> See, for instance, Thomas Sowell, “Are Jews Generic?”, in *Black Rednecks and White Liberals* (San Francisco: Encounter Books, 2005), 65-110.

invested commodities and financial resources. Middlemen were often money-lenders, providing credit to borrowers in exchange for eventual repayment on the principal plus interest. The quintessential example in American history is the Jewish merchandise peddler and garment worker in the late nineteenth and early twentieth century, but the role of the middlemen has spanned across races, ethnicities, religions, and geographical regions, including England.<sup>485</sup>

Middlemen have experienced the sting of animosity from surrounding majority populations and political leaders throughout human history. As Thomas Sowell writes, “...[T]he sheer magnitude and duration of the persecution and violence unleashed against middleman minorities eclipses that unleashed against other kinds of groups.”<sup>486</sup> Middlemen have been accused of selling goods and services at excessively high prices; lending money at prohibitively high interest rates; and, in general, pursuing an entrepreneurial ethic in communities that morally stigmatized profit-making and capitalist accumulation.

Three main ways English middlemen intervened in market activity were the practices of forestalling, regrating, and engrossing. Traditionally these were all banned under English statutory law, and forestalling was also illegal under common law.<sup>487</sup> William Blackstone, basing his descriptions of the trading activities off statutes passed under King Edward VI, defined forestalling as “the buying or contracting for any merchandise or victual coming in the way to market; or dissuading persons from bringing their goods or provisions there; or

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<sup>485</sup> For information on the experience of the Jewish peddler, and the middleman minority in general, see Thomas Sowell, *Ethnic America: A History* (New York: Basic Books, 1981), 83-85. For commentary on the diversity of middlemen, see Sowell, “Are Jews Generic?” in *Black Rednecks and White Liberals*, 65-110.

<sup>486</sup> Sowell, *Black Rednecks*, 65.

<sup>487</sup> See Wendell Herbruck, “Forestalling, Regrating and Engrossing,” *Michigan Law Review* 27 (1929): 366.

persuading them to enhance the price, when there; any of which practices make the market dearer to the fair trader.”<sup>488</sup> Regrating was “the buying of corn or other dead victual, in any market, and selling it again in the same market, or within four miles of the place.”<sup>489</sup>

Blackstone, referring to regrating, continues: “For this also enhances the price of the provisions, as every successive seller must have a successive profit.”<sup>490</sup>

Engrossing was the “getting into one’s possessions, or buying up, large quantities of corn, or other dead victuals, with the intent to sell them later.”<sup>491</sup> Blackstone wrote that engrossing “must of course be injurious to the public” for empowering “one or two rich men to raise the price of provisions at their own discretion.”<sup>492</sup> Blackstone’s critical descriptions of these practices, reinforced by the fact that they were listed under the section of “public wrongs” in *Commentaries*, epitomizes the classic portrayal of middlemen as greedy businessmen who inflated prices and harmed the consumer.

As discussed in the introduction to this chapter, Thomas Pownall’s charge against forestallers and regraters in *Considerations* was characteristic of this view, and reflected general anxieties about the function of the particular *English* middleman in the British corn market. Laws in Tudor England passed under King Edward VI and Queen Elizabeth were designed to limit the influence of middlemen—specifically those who practiced forestalling, regrating, and engrossing, as described by Blackstone above—by trying to ensure that the goods of

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<sup>488</sup> Blackstone, *Commentaries on the Laws of England: in four books; with an analysis of the work*, vol. II (Philadelphia: J.P. Lippincott Company, 1900), 118.

<sup>489</sup> Blackstone, *Commentaries on the Laws of England*, 118.

<sup>490</sup> Blackstone, *Commentaries on the Laws of England*, 118.

<sup>491</sup> Blackstone, *Commentaries on the Laws of England*, 118.

<sup>492</sup> Blackstone, *Commentaries on the Laws of England*, 118.

producers were immediately bought by purchasers for immediate use.<sup>493</sup> Vitriol was directed toward middlemen particularly in times of famine.<sup>494</sup>

Yet laws and stigmatization did not halt the practices of forestalling, regrating, and engrossing. Through the sixteenth century and up until Restoration period starting in 1660, “a corn-importing middleman organization was developed,” writes Ray Bert Westerfield,<sup>495</sup> and continued to spread. Nevertheless, the bitter attitude toward middlemen persisted into the eighteenth century. An “Essay Against Forestallers,” published in 1718, captured this sentiment:

Then is this Trade most Fair and Regular, when Provisions pass from the first Producer of them to the last Consumer, through the Hands of such Honest and Lawful Dealers and Manufacturers only, as are requisite to fit them for Consumption....Whoever therefore gets any of these commodities into his hands, without making them more fit for Consumption than they were before he had them, and without forwarding them to that End; or whoever Diverts, Interrupts, or Molests any of those [organized trade markets] designed for this good purpose in furnishing the Public with Provisions, is most certainly an Enemy to this Trade, and consequently a Nuisance to his Country.<sup>496</sup>

The language and tone are palpable: the direct exchange of goods from the producer to the consumer is “honest and lawful,” while middlemen are an “enemy” to trade. In other words, middlemen are unethical and disrupt the flow of products from producers to consumers.

Such antipathy is especially noteworthy in light of the common observation that England historically has been far more sympathetic to trade and commerce than have other nations.<sup>497</sup>

The reality is that middlemen did not escape wrath in commercially prosperous societies, and

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<sup>493</sup> The laws were enforced with varying degrees of effort. See Westerfield, *Middlemen in English Business*, 139.

<sup>494</sup> Westerfield, *Middlemen in English Business*, 147-48.

<sup>495</sup> Westerfield, *Middlemen in English Business*, 133.

<sup>496</sup> Westerfield, *Middlemen in English Business*, 138.

<sup>497</sup> See, for example, Walter Russell Mead, *God and Gold: Britain, America, and the Making of the Modern World* (New York: Alfred A. Knopf, 2007).

indeed served as a glaring target in times of socioeconomic instability, such as in England in the 1790s.

In one of the great overlooked areas of Burke's thought on political economy, Burke defends middlemen in *Thoughts and Details* without equivocation. He acknowledges that they are "hated and maligned"<sup>498</sup> by both farmers and consumers. But then Burke proceeds to defend their practices against charges that they hurt other market participants by monopolizing capital. The guiding threads connecting together Burke's reflections on middlemen are twofold: they serve a beneficial purpose in market economies; and regulatory attempts to extinguish them will create far more pernicious problems than the laws intended to solve.

How does he arrive at these conclusions? First, Burke insists that middlemen should "be left to their free course,"<sup>499</sup> governed by the laws of the market. Burke does not censure their trading activities, nor lambastes their economic success. "...[T]he more they make, and the richer they are, and the more largely they deal, the better both for the farmer and consumer, between whom they form a natural and most useful link of connection," he states.<sup>500</sup> Burke's endorsement of middlemen here rests on two latent observations. First, the accumulation of wealth on the part of middlemen provides material benefit to other people involved market activities. Second, the role of the middleman as an intermediary between the farmer and the consumer reflects the natural fluidity and interconnectedness of market activity.

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<sup>498</sup> Langford, *Writings and Speeches*, IX, 132.

<sup>499</sup> Langford, *Writings and Speeches*, IX, 132.

<sup>500</sup> Langford, *Writings and Speeches*, IX, 132.

Burke does not immediately elaborate on these points. Nevertheless, his discussion of market prices two paragraphs later is a window into the theoretical foundation for his complimentary evaluation of the middleman. He states that the “balance between consumption and production makes price,”<sup>501</sup> validating his confidence in supply and demand laws. Moreover, “The market settles, and alone can settle, that price,”<sup>502</sup> which thereby produces a fusion of interests between market participants. Yet those who wish to disrupt this balance and issue an “arbitrary regulation” would “directly lay their *axe* to the root of production itself.”<sup>503</sup>

Burke is somewhat ambiguous here, but it appears that he is referring to the farmer as well as the middlemen in defending their trading activities against claims of price gouging. Raising suspicions on the part of the farmer, in Burke’s view, unfairly assumes that the farmer “takes unfair advantages by delay.”<sup>504</sup> Burke ostensibly means that the farmer would intentionally withhold the distribution of his commodities temporarily in order to increase demand and raise their price. Burke then insinuates that circulating such suspicions is unfair to the middleman as well: “on the part of the dealer, it gives rise obviously to a thousand nefarious speculations.”<sup>505</sup>

Burke has in mind not only Charles James Fox’s comments in the House of Commons, as discussed in Chapter 3, that attributed the “evil” of aggravated prices to “a variety of causes, complicated in their nature, and extensive in their operations.”<sup>506</sup> In late

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<sup>501</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>502</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>503</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>504</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>505</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>506</sup> *Cobbett’s Parliamentary History of England*, vol. XXXII (London: T.C. Hansard, 1818), 239.

October 1795, the Duke of Portland sent a circular letter to officials in England, Wales, and Scotland that addressed the price of grain. The letter asked the officials, including the Lords Lieutenant and Sheriff Deputies, to organize meetings for magistrates for “the Purpose of procuring an Account of the State of the late Crop.”<sup>507</sup> Furthermore, a member of Parliament’s Select Committee on the high price of corn at the time said that “the Produce of Wheat has proved so far deficient, as to require the Adoption of the speediest and most effectual Measures for the Remedy or Alleviation of so great an Evil.”<sup>508</sup>

Burke displays an uncomfortable skepticism about these sentiments. “...I confess I do not clearly discern its object,” he writes of the circular letter.<sup>509</sup> His deeper worry is that the inquiry will “raise some alarm”<sup>510</sup> over the trading practices that he justifies in *Thoughts and Details*, which would trigger a spasm of public anger. He is also concerned that the inquiry will lead to “the French system of putting corn into requisition,”<sup>511</sup> meaning that the British government would tighten its regulatory grasp on the corn trade, as had French government officials.<sup>512</sup>

Based on his comments about middlemen and market prices so far, one can surmise the logic behind Burke’s assertion that the former promotes the well-being of the farmer and the consumer. Because middlemen buy and sell products according to supply and demand laws in market economies, they play an important role in the efficient allocation of resources. They do not thwart the movement of goods to where they are needed, but rather aid in

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<sup>507</sup> *Journals of the House of Commons*, vol. 51 (London: H.M. Stationery Office, 1796), 85.

<sup>508</sup> *Journals of the House of Commons*, vol. 51, 85.

<sup>509</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>510</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>511</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>512</sup> Burke does admit that the French principles that dictated the regulation of grain are “full of that violence *which here* is not much to be feared.” See Langford, *Writings and Speeches*, IX, 133.

facilitating them consistent with the natural flow of market prices. Therefore, the middleman's accumulation of riches does not prevent other market participants from amassing wealth; instead, it contributes to the greater good by reflecting the balance of wants amongst market actors—a balance that is met when a product is sold by a middleman and bought by a consumer at an agreed-upon price. Framed another way, Burke is subtly invoking his “the benign and wise disposer of all things”<sup>513</sup> to demonstrate how the individual self-interest of middlemen generate broader public opulence.

Burke's comments in *Appeal from the New to the Old Whigs*, published on 3 August 1791, build off these insights. When discussing his belief in a “true natural aristocracy,”<sup>514</sup> Burke applauds “rich traders,” who “from their success are presumed to have sharp and vigorous understandings, and to possess the virtues of diligence, order, constancy, and regularity, and to have cultivated an habitual regard to commutative justice.”<sup>515</sup> Prominent traders possess an acute mind, and promote commercial virtues central to the success of prosperous economies. More important, by referencing commutative justice, Burke is suggesting that the activities of traders promote equity in transactions. Commercial enterprise does not simply benefit merchants but consumers as well. Individual self-interest advances the public welfare.

Burke also recognized the importance of middlemen in furnishing an international network of communication channels and credit markets. In *Speech on St. Eustatius*, presented on 14 May 1781, in which he assailed British conquerors' treatment of the community of St. Eustatius, a Dutch island, Burke defends the Jewish people for their central role in the great

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<sup>513</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>514</sup> Langford, *Writings and Speeches*, IV, 448.

<sup>515</sup> Langford, *Writings and Speeches*, IV, 449.



chain of commercial activities across the globe. “From the east to the west, from one end of the world to the other, they are scattered and connected...” Burke notes.<sup>516</sup> They are “the links of communication in the mercantile chain; or to borrow a phrase from electricity, the conductors by which credit was transmitted through the world.”<sup>517</sup> Jews provide the essential ingredients of communication and credit to transnational commercial intercourse.

These comments hint at Burke’s further comprehension of the contribution of middlemen in markets: they add *value* to the good. They do this by transporting it from the producer to local markets for consumers to buy; by improving its quality and reselling it; by finding more efficient ways to organize its distribution; and by serving as conduits between two trading parties who do not necessarily have strong human relationships, either because of social status, cultural barriers, or other reasons.<sup>518</sup> There are inklings and shades of these arguments in Burke’s discussion of middlemen.

Yet Burke does not clarify how this kind of economic value aligns with his understanding of the implied contract in market economies. Just as reciprocal exchange creates a mutual awareness of expectations between the employer and the employee that cannot be communicated in statutes, the middleman adds value to goods that cannot necessarily be observed, articulated, and written into laws. Physical labor can be literally seen and understood as contributing value, such as a farmer growing crops for consumption. In contrast, a tradesman, by transferring a product from one geographical location to another

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<sup>516</sup> Paul Langford, ed., *The Writings and Speeches of Edmund Burke*, vol. IV, *Party, Parliament, and the Dividing of the Whigs 1780-1794* (Oxford: Clarendon Press, 2015), 74.

<sup>517</sup> Langford, *Writings and Speeches*, IV, 74.

<sup>518</sup> See, for example, Westerfield, *Middlemen in English Business*, 349-69. Also see Sowell, “Are Jews Generic?”, in *Black Rednecks*, 66-83; F.A. Hayek, *The Fatal Conceit: The Errors of Socialism* (Chicago and London: The University of Chicago Press, 1988), 89-94; and Michael C. Munger, “Evolutionary or Not, Exchange is Just,” *Social Philosophy and Policy* 28 (2011): 192-211.

does not appear to add any tangible worth to the good, at least compared to the manual laborer.

The mystery of this added value has contributed to the traditional hostility of middlemen in history. “Activities that appear to add to available wealth, ‘out of nothing,’ without physical creation and by merely rearranging what already exists, stink of sorcery,” Hayek writes.<sup>519</sup> “[A]s soon as knowledge—which was not ‘open’ or visible—was introduced as an element of competition, knowledge not possessed by other participants, and which must have seemed to many of them also to be beyond the possibility of possession,” Hayek continues, “the familiarity and sense of fairness vanished.”<sup>520</sup> Indeed, the idea of unarticulated knowledge transmitted by middlemen—pre-rational, intuitive, and difficult to capture in words—is eminently reconcilable with Burke’s commentary on the power of implied contracts and the limitations of abstract reason. While he moves toward this understanding of the importance of unobservable knowledge created by middlemen in *Thoughts and Details*, he does not sufficiently discuss it.

Burke does more than simply defend the trading practices of middlemen. In a bold argument, he challenges the traditional perspective that middlemen help the rich while hurting the impoverished. He does so by painting a distinction between the monopoly of capital and the monopoly of authority. The monopoly of capital for Burke is “a great benefit, and a benefit particularly to the poor.”<sup>521</sup> (He is somewhat ambiguous in this paragraph, but he seems to conflate “middlemen” with “poor.”) He is now poised to turn Pownall’s aforementioned condemnation of the middleman’s “monopoly of supply” on its head: Burke

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<sup>519</sup> Hayek, *Fatal Conceit*, 91.

<sup>520</sup> Hayek, *Fatal Conceit*, 91.

<sup>521</sup> Langford, *Writings and Speeches*, IX, 133.

explains that a middleman with capital of a hundred pounds could not live on an annual profit of ten percent, which would amount to living on ten pounds per year. But a middleman with ten thousand pounds can flourish with a profit margin of five percent, since he would be able to live on five hundred pounds per year.<sup>522</sup> Burke states that “these principles [of the monopoly of capital] are plain and simple.”<sup>523</sup> He does not elucidate this point in the memorandum.

Still, Burke here takes a deeper step in his general formulation that the pursuit of self-interest, rightly understood, produces public opulence. In this case, he specifically integrates the accumulation of capital with the interests of *the poor*. The preservation of market freedom would allow middlemen, some of whom may be impoverished, to trade goods and services for a profit. This would enable them to live comfortably. Limiting the economic freedom to make money, Burke suggests, would hinder the ability of the poor middleman, and anyone else who did not hail from family wealth, to earn a living.

Instead of a monopoly of capital, then, the menace to market economies in Burke’s view is a monopoly of authority. He describes the latter during his discussion of the proposal to establish public granaries <sup>524</sup> in *Thoughts and Details*. Burke assails the idea for a number of reasons. Politically speaking, public granaries would unleash a wave of public fury, which would be directed at the granaries, its administrators, and the towns in which they would operate.<sup>525</sup> He then lists practical economic objections to the plan: it would incur high

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<sup>522</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>523</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>524</sup> Burke writes that one purpose of the idea is “to subject the farmer to the consumer, by securing corn to the latter at a certain and steady price.” See Langford, *Writings and Speeches*, IX, 134.

<sup>525</sup> If public granaries are created, writes Burke, “I should not like to answer for the safety of the granary, of the agents, or of the town itself, in which the granary was erected—the first storm of popular phrenzy would fall upon that granary.” See

expenses; it would require a legion of bureaucrats to run; the capital necessary to purchase the grain would be prohibitive; it would breed corruption and waste; and the public would become angry over the low quality of the corn.<sup>526</sup>

But the ultimate motive behind the push to set up public granaries in every market town, Burke suspects, is to “extinguish”<sup>527</sup> and “destroy”<sup>528</sup> what is “commonly called the middle man.”<sup>529</sup> Burke believes that state-financed granaries would injure the middleman to the point at which his role would be eliminated in the grain trade. This is when the transformation of the monopoly of capital into a monopoly of authority is set in motion: “[B]y incurring a voluntary loss to carry the baker to deal with Government,”<sup>530</sup> Burke explains, the government would need to create the new positions of a “miller or a mealman,”<sup>531</sup> attended with a new train of expences and risks.”<sup>532</sup> If the miller and mealman succeed in the grain trade, “so as to exclude those who trade on natural and private capitals,”<sup>533</sup> the result will be a consequence that critics of middlemen sought to prevent in the first place. The miller and mealman

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Langford, *Writings and Speeches*, IX, 134. Burke does not identify the source of this fury. Would it be the surrounding economic climate of uncertainty? Would it be the attempt to regulate the economy? Would it be the inefficient administration of the granaries?

<sup>526</sup> Langford, *Writings and Speeches*, IX, 134.

<sup>527</sup> Langford, *Writings and Speeches*, IX, 134.

<sup>528</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>529</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>530</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>531</sup> The traditional role of the miller was to convert corn into meal and flour at his mill, but he also engaged in controversial trading practices similar to those of a merchant, such as engrossing. The mealman was in the wholesale and retail trades of meal (coarse powder ground from the edible part of a grain) and flour. See Westerfield, *Middlemen in English Business*, 167-68 and 171-72.

<sup>532</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>533</sup> Langford, *Writings and Speeches*, IX, 135.

will have a monopoly in their hands, which, under the appearance of a monopoly of capital, will, in reality, be a monopoly of authority, and will ruin whatever it touches. The agriculture of the kingdom cannot stand before it.<sup>534</sup>

Instead of the middleman holding a monopoly on capital, in other words, the two new government-backed positions will possess a monopoly of pure political power. This intrusion of the miller and mealman into the natural grain trade, a trade normally facilitated by middlemen in a free market, would give rise to unrestrained political and economic domination. It would cause “ruin,” including the ruin of the agricultural economy.

Burke is drawing attention to another principle of his political economy that reaches deeper into his philosophic nucleus than supply and demand laws and prices: an improper and arbitrary invasion of brute political force into the smooth flow of free economic activity can produce painful consequences. It eliminates the middleman—the individual, in Burke’s judgment, that serves as a fulcrum of the steady dispersion of goods in market economies. More so, once “all the principles of market”<sup>535</sup> are disrupted by government intervention in the grain trade, that government will “speedily become a bankrupt, and the consumer in the end will suffer.”<sup>536</sup> Burke hints that the farmer may not suffer from the regulation if market competition for grain persists. But if the government purchases corn all at once, it will “instantly raise the market upon itself,”<sup>537</sup> thereby distorting supply and demand laws. If the government purchases the commodity consistent with market forces, it will “produce no

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<sup>534</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>535</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>536</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>537</sup> Langford, *Writings and Speeches*, IX, 135.

effect,”<sup>538</sup> and the consumer “may as well buy as he wants,”<sup>539</sup> meaning that the expenses of grain purchases will be free of charge.

As stated in Chapter 3, Burke does not use the phrase “unintended consequences” in *Thoughts and Details*, but this is the concept he has in mind in his discussion of granaries. In addition to his remarks on the negative effects of government intervention in the grain trade, keep in mind Burke’s previous observations that granaries would enflame the public; incur enormous financial costs; require the administration of a plethora of bureaucrats; disseminate a low quality of corn; and fail to meet the needs of consumers. Ultimately, government intrusion would compel the inefficient distribution of goods, an activity in which middlemen, in Burke’s judgment, performed a crucial function in channeling products to where they were needed most. It is clear, then, that Burke believes public granaries would generate far more harm than otherwise would have occurred in the first place. It would, in other words, spawn unintended consequences.

Three more points must be made in regard to Burke’s discussion of middlemen and public granaries. First, that Burke defends the monopoly of capital for middlemen does not mean he defends the monopoly of markets. In the first case, the middleman, Burke indicates, should be guaranteed the use of the *individual* capital he earns. But regarding the second instance, Burke throughout his career opposes the idea that traders deserve protection of a monopoly over the *collective* trade of goods in the marketplace that consist of many individuals beyond Englishmen. For example, while he defended the East India Company as a legitimate chartered institution, he lambasted its monopolistic control over the local economy in India.

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<sup>538</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>539</sup> Langford, *Writings and Speeches*, IX, 135.

Second, Burke does not wholly condemn the idea of public granaries. He recognizes their limited utility in small jurisdictions like Geneva. “A little place like Geneva...might find some resource in state granaries, and some revenue from the monopoly of what was sold to the keepers of public-houses,” Burke writes.<sup>540</sup> For Burke, however, there were special conditions that made Geneva a more salutary location for granaries than other geographical areas, such as its low population, limited territory, and reliance on neighboring powers for its existence.<sup>541</sup> Burke’s consideration of public granaries further illustrates that his apparent embrace of *laissez-faire* economics is more flexible than commentators have suggested.

Burke’s example of Geneva adds an additional dimension to his consciousness of the particular circumstances of time and place: not only do different market actors face different commercial opportunities, and thus should be left alone to pursue them, but different political jurisdictions also face dissimilar economic and geographical environments. What works for one territory may not work for another, Burke conveys in *Thoughts and Details*, because of the delicate diversity of circumstance. In other words, economies are comprised of many complicated ingredients, such as geography, culture, and climate, and of many *degrees* of ingredients, such as varying levels of soil fertility. Pressing a uniform principle down on different territories overlooks such wide-ranging socioeconomic factors that invigorate market economies in the first place.

Burke expands upon these reflections in his discussion of the futility of state granaries in Rome. Burke asserts that the papal territories in which those granaries operated, and the price of corn regulated, were “utterly ruined.”<sup>542</sup> Burke contrasts these territories

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<sup>540</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>541</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>542</sup> Langford, *Writings and Speeches*, IX, 136.

with areas without such government intervention, and insists these freer areas were “highly flourishing.”<sup>543</sup>

Burke appears to have learned about the grain trade of Geneva and Rome from a book written by Italian economist Ferdinando Galiani called *Dialogues sur le commerce des bleds*, or *Dialogues Concerning the Trade in Wheat*. It is worth briefly reviewing Galiani’s argument, because it mirrors Burke’s economic philosophy in some respects. Galiani argues that tenets of free markets should take into consideration the unique geopolitical situation of the country, the quantity of its resources, the fertility of the land, and other variables. Geneva was encircled by strong states and could be starved to death by a blockade. Consequently, the debate over the grain trade was a political as much as an economic question, and hence the government had a role to play in regulating it.<sup>544</sup> As a result, Galiani cautions that a general economic proposition may need to be amended based on the specific circumstances of each territory.<sup>545</sup>

Burke acknowledges that it would be impractical to reform the grain system in Rome, and that it “does keep bread and all other provisions equally subject to the chamber of supply, at a pretty reasonable and regular price...”<sup>546</sup> The other positive effect is that it keeps the calm of the poor. Yet Burke returns to his theme of the unintended consequences of regulating the grain supply: “the quiet of the town is purchased by the ruin of the country,

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<sup>543</sup> Langford, *Writings and Speeches*, IX, 136.

<sup>544</sup> Gilbert Faccarello, “‘Nil Repente!’: Galiani and Necker on Economic Reforms,” *European Journal of the History of Economic Thought* 1 (1994): 527-28.

<sup>545</sup> In light of the overlap between Burke and Galiani, it is not a coincidence that Galiani has been identified as a precursor to the Austrian School of economics. See Robert W. McGee, “The ‘Austrian Economics’ of the Early Italian Economics,” *Austrian Economics Newsletter*, Spring 1987: 9-10.

<sup>546</sup> Langford, *Writings and Speeches*, IX, 136.



and the ultimate wretchedness of both.”<sup>547</sup> While free commercial trade produces mutual benefits for market participants, in Burke’s view, Rome’s type of grain regulation produces mutual hardships.

The third, and final point, about Burke’s commentary on middlemen concerns his notion of the vitality of local knowledge and circumstance. When discussing his disapproval of public granaries, Burke claims that the current climate is not the ideal environment to keep wheat in granaries. Instead, he insists that the best, and only good, granary is the “rick-yard” of the farmer,” where “the corn is preserved in it's own straw, sweet, clean, wholesome, free from vermin and from insects, and comparatively at a trifle of expence.”<sup>548</sup> Burke here signals that crops are best cultivated under the private stewardship of the farmer and his workers, rather than under the public administration of many workers, and at a fraction of the cost. This understanding is consistent with the principal message of *Thoughts and Details* that economic activity is best left in the hands of private market actors.

Burke raises a further implication of public granaries when he indicates that the farmer is solely responsible for funding and caring for his crop. “All this is done at the expence of the undertaker, and at his sole risk,” he writes, in reference to storing wheat in rickyards and barns. “He contributes to Government; he receives nothing from it but protection, and to this he has a *claim*.”<sup>549</sup> Burke here is building an additional layer to his economic thought. As established in this dissertation’s study of voluntary market exchange in *Thoughts and Details*, Burke believes that the person directly engaged in commercial activity is in the best position to judge his interests. In the previous quotation, Burke suggests that

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<sup>547</sup> Langford, *Writings and Speeches*, IX, 136.

<sup>548</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>549</sup> Langford, *Writings and Speeches*, IX, 135.

the person who is in the best place to realize his self-interest is also in a position in which he will face the *immediate consequences* of his own poorly made decisions.

The evolving conception of the eighteenth-century “undertaker”—the word Burke uses above—captures this dynamic of accountability. The undertaker was initially someone who committed himself to a task. The term then was modified to describe a kind of government contractor or an individual granted exclusive franchise from the state. In both cases, the undertaker risked financial resources to complete the project assigned by the Crown or Parliament. Then, writes Robert F. Hébert and Albert N. Link, “the government connection was dropped, and the term simply came to designate someone involved in a risky project from which an uncertain profit might be derived.”<sup>550</sup> In essence, the undertaker in the eighteenth century came to be seen an entrepreneur, one who both committed himself to some commercial endeavor and who faced the risks of failing to complete his project.

This conception provides a greater context for Burke’s point about the relation between the economic agent and accountability. The undertaker invests his effort and financial resources into preserving a strong quality of corn. Any action taken by him is done at his “sole risk,” and thus irresponsible financial decisions, or pure laziness, would harm him. Moreover, by underlining this insight in his discussion of the limitations of public granaries, Burke insinuates that government officials would *not* face the immediate consequences of making poor decisions in the grain market. The implication is that such

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<sup>550</sup> Robert F. Hébert and Albert N. Link, *A History of Entrepreneurship* (London: Routledge, 2009), 24. Distinguished economist Alfred Marshall defined undertaker as “those who take risks and the management of business as their share in the work of organized industry.” See Marshall, *Principles of Economics*, vol. I, 3<sup>rd</sup> ed. (London and New York: Macmillan and Co., 1895), 40n1. See also Bert F. Hoselitz, “The Early History of Entrepreneurial Theory,” *Explorations in Entrepreneurial History* 3 (1951): 193-220.

officials would not be as cautious or as wise when deliberating decisions since the consequences of their decisions would be felt by others—distressed workers—and not themselves.

One can outline a number of broad conclusions from Burke's defense of middlemen. It underscores his faith in supply and demand laws in channeling goods efficiently in market economies. It shows his conviction that middlemen serve an indispensable function in directing the steady glide of commercial products to where they are needed most. Burke believes that the middleman's monopoly of capital should not be castigated but praised, since it provided a reliable source of profit to live off of, at least in the best-case scenario. In Burke's judgment, the underlying purpose of public granaries, and other government schemes to intervene in natural market forces, is to obliterate the middleman—which, in turn, would severely damage the already fragile agricultural economy.

Is Burke being too sympathetic to middlemen in *Thoughts Details*? In the tract he never seriously considers the possibility that tradesmen might combine together to artificially raise prices or deceive the public into buying a product. If allowed to persist, such practices would distort the natural formation of market prices, thwart the efficient dispersal of goods, and necessitate government intervention to alleviate economic hardship. These ramifications would all subvert the very principles of free market economies that Burke himself advocated. Adam Smith famously assailed businessmen in *Wealth of Nations* for their propensity to combine for nefarious purposes and swindle consumers,<sup>551</sup> but Burke, at least in *Thoughts and*

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<sup>551</sup> See, for instance, Smith, *Wealth of Nations*, vol. I, 462: "Country gentlemen and farmers, dispersed in different parts of the country, cannot so easily combine as merchants and manufacturers" who "naturally endeavour to obtain against all their countrymen the same exclusive privilege which they generally possess against the inhabitants of their respective towns"; and Smith, *Wealth of Nations*, vol. I, 267: the interest of the dealer, writes Smith, "is never exactly the same with that of the public,

*Details*, does not broach this prospect. Furthermore, in his discussion of middlemen, Burke never entertains in principle the idea that middlemen might be greedy;<sup>552</sup> therefore, they might pursue self-interested trading practices, such as exaggerating the quality of goods they were selling, that would advance themselves to the detriment of others. As discussed, Burke does consider the possible threat of monopoly of capital, which he dismisses, but his inattention to the prospect of *any* conceivable machinations on the part of traders appears blithe.

The very fact that Burke praises the position of the middleman, and implicitly the pivotal function of non-physical labor, signifies a shift away from the traditional perspective that only manual labor was a noble human endeavor in the provision of goods. The yeoman farmer, toiling by the sweat of his brow, was the embodiment of republican virtue, integrity, and self-sufficiency. He did not produce goods for pure commercial motives but for the fulfillment of man's need for food and shelter. The independent farmer was the cornerstone of political stability. "For having no great abundance of possessions, they are kept busy and rarely attend the assembly; and since they lack the necessities of life they are constantly at work in the field, and do not covet the possessions of others," Aristotle writes, representing the classic Greek expression of the yeoman farmer.<sup>553</sup> He continues: "They find more satisfaction in working on the land than in ruling and in engaging in public affairs, so long as there are no great gains to be made out of holding office; for the many are more interested

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who have generally an interest to deceive and even to oppress the public, and who accordingly have, upon many occasions, both deceived and oppressed it."

<sup>552</sup> Burke does discuss the implications of a farmer's avarice in *Thoughts and Details*. See Langford, *Writings and Speeches*, IX, 126. The question of greed will be discussed in the concluding chapters.

<sup>553</sup> Aristotle, *Politics*, 368.

in making a profit than in winning honor.”<sup>554</sup> Mix this sentiment with the customary hostility of the merchant, and one arrives at the view that middlemen engage in the undignified activity of money-making in contrast to the moral rectitude of manual toil.

Burke himself referenced that specific quotation from Aristotle when denouncing the French Revolution’s war on landed property.<sup>555</sup> Burke did embrace landed property as the foundation for stable political communities. Nevertheless, Burke’s ennobling of middlemen in *Thoughts and Details* differs from the Aristotelian critique of commercial enterprise. “The first essential responsibility” of the state official, Aristotle writes, “is control of the market-place: there must be some official charged with the duty of seeing that honest dealing and good order prevail.”<sup>556</sup> The acquisition of goods that concerns “trade and depends on exchange” is “justly regarded with disapproval, since it arises not from nature but from men’s gaining from each other.”<sup>557</sup> Remember that Aristotle displayed his antagonism toward money-making based more on philosophical grounds than on the principle of utility. Still, it is evident that Burke lends a degree of dignity to the activity of the middleman that Aristotle does not.

That Burke’s positive assessment of middlemen pivots away from the traditional hostility leveled at them in the classical and Christian world has lasting implications for how we grasp Burke’s philosophical beliefs. In a sense, he was a traditionalist, as defined by his condemnation of the French Revolution and his efforts to recover the code of chivalric virtue. But his alliance with a group whose commercial activity of trading for profit has been

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<sup>554</sup> Aristotle, *Politics*, 368.

<sup>555</sup> See Burke’s *Third Letter on a Regicide Peace* in Langford, *Writings and Speeches*, IX, 374.

<sup>556</sup> Aristotle, *Politics*, 380-81.

<sup>557</sup> Aristotle, *Politics*, 87.

morally denounced throughout human history suggests that Burke might not be as conservative as he has been portrayed. This implication will be further engaged in later chapters. For our present purposes, however, one pertinent question presents itself: does the fact that Burke firmly praised the blessings of consensual market transactions, supply and demand principles, and the trading activity of middlemen mean that he was a *laissez faire* economic thinker?

#### e. **Laissez Faire and the Role of State Regulation**

The inquiry into whether Burke was an adherent of *laissez faire* markets has endured in the secondary literature on Burke's political and economic thought. The consequences are significant: the idea of *laissez faire* economics split conservative and liberal thinkers, and clergymen and merchants,<sup>558</sup> in the seventeenth and eighteenth centuries over the debate of whether it helped or hurt the common good. And it has continued to be a source of friction in contemporary debates about freedom and equality. Examining Burke's thought on the question of *laissez faire*, therefore, will enhance our understanding of his theory of political economy. It will also help us apprehend his conception of the proper role of the state in competitive market economies.

The origin and meaning of *laissez faire* dated back to the time of Jean-Baptiste Colbert, the minister under Louis XIV in the seventeenth century who had ordered that fabrics consist of 1,408 threads.<sup>559</sup> Colbert favored mercantilist trade policies that restricted the commercial freedom of merchants. One merchant, M. Le Gendre, reportedly told the

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<sup>558</sup> Of course, the words "conservative" and "liberal" held little political meaning for them at the time, since the terms did not connote a particular governing philosophy until the nineteenth century.

<sup>559</sup> See "Historical Background and Context," in Chapter 3.

minister, “*Laissez-nous faire*,” meaning “leave us alone.”<sup>560</sup> *Laissez faire* was later used and made popular by Vincent de Gournay, a French Physiocrat and free-trade enthusiast.<sup>561</sup> The Colbert-Gendre anecdote was conveyed to an English audience in George Whatley’s *Principles of Trade*, published in 1774.<sup>562</sup> Note that Burke and other prominent economic thinkers, such as Adam Smith and Francois Quesnay, did not use *laissez faire* in their writings.<sup>563</sup> The term can be generally defined as the belief that the natural circulation of commercial trade should be not hindered by government intervention. Unfortunately, the phrase does not precisely indicate the extent to which the state should not intervene, or whether the state should play any role at all in market activity. The slipperiness of the phrase makes it difficult to characterize whether Burke or Smith, or any other thinker, is a champion of *laissez faire* economics.

Still, C.B. Macpherson and Isaac Kramnick argue that *Thoughts and Details* is the embodiment of Burke’s advocacy for *laissez faire* capitalism. Macpherson writes that Burke

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<sup>560</sup> For background information on this anecdote, see Himmelfarb, *Idea of Poverty*, 42; R.H. Inglis Palgrave, ed., *Dictionary of Political Economy*, vol. 2 (Cambridge: Cambridge University Press, 2015), 534; and Gavin Kennedy, *Adam Smith: A Moral Philosopher and His Political Economy* (Basingstoke, UK: Palgrave Macmillan, 2008), 248-49.

<sup>561</sup> Gournay may have been influenced by contemporary and fellow French Physiocrat Francois Quesnay. See Ina Baghdiantz McCabe, *Orientalism in Early Modern France: Eurasian Trade, Exoticism, and the Ancien Régime* (Oxford: Berg, 2008), 271. “Quesnay’s admiration for the system of China, as he interpreted it, was the basis on which the physiocrat Vincent de Gournay [the book spells his last name differently] coined the phrase *laissez-faire*.”

<sup>562</sup> See Whatley’s essay *Principles of Trade*, later edited by Benjamin Franklin, in Jared Sparks, ed., *The Works of Benjamin Franklin*, vol. II (Boston: Hilliard, Gray, and Company, 1840), 401.

<sup>563</sup> See Palgrave, *Dictionary of Political Economy*, 534. Even though Smith did not use “*laissez-faire*,” however, he did articulate a similar concept years before he published *Wealth of Nations*. “Projectors disturb nature in the course of her operations on human affairs,” he stated, “and it requires no more than to *leave her alone...*” (italics added.) See Rae, *Life of Adam Smith*, 62.

“had no doubts” about the “virtue of *laissez-faire* at home.”<sup>564</sup> Macpherson then goes on to quote extensively from *Thoughts and Details* to demonstrate Burke’s support for capitalist accumulation,<sup>565</sup> which, Macpherson argues, was the traditional order in England at the time.<sup>566</sup> Kramnick insists that “[b]y far the most important statement by Burke of the basic bourgeois principles of a *laissez-faire* state and economic order is found in his essay *Thoughts and Details on Scarcity* of 1795.”<sup>567</sup> Both thinkers portray Burke as a bourgeois economic thinker. In fact, Karl Marx also characterized Burke this way, calling him an “out and out vulgar bourgeois” in *Capital*.<sup>568</sup> Recall that Gertrude Himmelfarb, Michael L. Frazer, and Rod Preece observed that Burke’s strident pro-market beliefs in *Thoughts and Details* were in conflict with his political thought emphasizing prudence and moderation.

Yet if one does define *laissez-faire* as the idea that the state should play *no* or almost no role in the economy, then Burke was not a *laissez-faire* economic thinker. As established in the previous chapter, *Thoughts and Details*, while it is an impassioned defense of market liberalism, does allow room for government intervention. Burke mentions, but does not elaborate on, the role of government in raising revenue, preserving public order, chartering corporations, and funding the military (not to mention establishing a state religion).

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<sup>564</sup> Macpherson, *Burke*, 53. Macpherson also writes that “Burke’s preference in the matter of commercial policy was always for free trade,” except for “diplomatic and strategic” reasons like the Navigation Acts.

<sup>565</sup> See Macpherson, *Burke*, 51-70.

<sup>566</sup> Macpherson, *Burke*, 63.

<sup>567</sup> Kramnick, *Rage of Edmund Burke*, 158.

<sup>568</sup> Marx’s full quotation with reference to Burke is: “This sycophant who, in the pay of the English oligarchy, played the romantic laudator temporis acti [one who praises the past] against the French Revolution, just as, in the pay of the North American Colonies, at the beginning of the American troubles, he had played the Liberal against the English oligarchy, was an out and out vulgar bourgeois.” Marx, *Capital*, 833-34n2.



Remember also that Burke makes a demonstrated effort in the tract to distinguish between direct taxes and arbitrary taxes. The implied contract between the farmer and laborer signals the mutual understanding “that the labour shall produce an advantage equal to the payment.”<sup>569</sup> Burke claims that any regulation above this threshold is a “direct tax”—and if the tax is levied by the “will and pleasure” of an individual, it is an “*arbitrary tax*.”<sup>570</sup> Burke refers multiple times to the arbitrary exercise of legal power to regulate employment transactions—“arbitrary taxation,”<sup>571</sup> an “arbitrary division of his property,”<sup>572</sup> and “arbitrary regulation.”<sup>573</sup> Therefore, a careful reading of Burke’s commentary of arbitrary economic regulations suggests that Burke carried a firm opposition to unrestrained and inconsistent regulatory authority, not *any* type of regulations *per se*.

In addition, it is worth reviewing the other times that Burke leaves at least some plausible room for government intervention in the economy. In *Thoughts and Details*, Burke opposes calls for another minimum wage hike, but he does not condemn the two previous wage increases.<sup>574</sup> Burke does not question the entirety of the Speenhamland system of poor relief, but the specific proposals to raise the minimum wage, establish public granaries, and intensify government regulations of the agricultural economy. And even in this light, remember that he did concede that public granaries might serve a useful purpose in small territories that faced unique geopolitical challenges, such as Geneva.

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<sup>569</sup> See Langford, *Writings and Speeches*, IX, 123.

<sup>570</sup> See Langford, *Writings and Speeches*, IX, 123.

<sup>571</sup> See Langford, *Writings and Speeches*, IX, 123.

<sup>572</sup> See Langford, *Writings and Speeches*, IX, 126.

<sup>573</sup> See Langford, *Writings and Speeches*, IX, 133.

<sup>574</sup> See Langford, *Writings and Speeches*, IX, 123. “Wages have been twice raised in my time, and they bear a full proportion, or even a greater than formerly, to the medium of provision during the last bad cycle of twenty years.”

Moreover, at times Burke hints at some sympathy for the export bounty<sup>575</sup> and import bounty.<sup>576</sup> He argued that taxes did not decrease consumption nor imperil the overall health of Britain's economy during times of war.<sup>577</sup> He expressed qualified praise for the Navigation Acts, which imposed particular international trade barriers. As will be demonstrated in Chapter 9, Burke championed an activist government so it could regulate the slave trade out of existence. These examples show that Burke was not a proponent of *laissez faire* economics if one construes the term as a complete, or almost, complete, noninterventionist approach to market activity.

What, then, did Burke think the proper scope of government functions in market economies should be? Here is Burke's full quotation in *Thoughts and Details* when discussing the role of the state:

That 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 revenue; its military force by sea and land; the

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<sup>575</sup> According *The Gentleman's and London Magazine* report on the debate over corn exportation in the House of Commons, Burke "shewed the policy of our laws for the bounty, which had rendered in effect corn cheaper than it had been before that bounty..." Burke is unclear on this point, however, because according to the report he also stated that a ban on exports was "contrary to the spirit of commerce." See "The Proceedings of a Political Club," *The Gentleman's and London Magazine: or, Monthly Chronologer*, vol. XL (Dublin: John Exshaw, 1741), 263-64. See also Lock, *Edmund Burke*, vol. I, 321-23.

<sup>576</sup> In *Thoughts and Details*, Burke writes, "The domestic consumption of spirits, produced, without complaints, a very great revenue, applicable, if we pleased, in bounties to the bringing corn from other places, far beyond the value of that consumed in making it, or to the encouragement of it's encreased production at home." Langford, *Writings and Speeches*, IX, 141. See also Canavan, *Political Economy of Edmund Burke*, 137.

<sup>577</sup> For example, Burke writes in *Observations on a Late State of the Nation* that the tax on beer and malt to help finance the Seven Years War "did not in the least impair the consumption..." See Langford, *Writings and Speeches*, II, 141. See also Burke's *Third Letter on a Regicide Peace*, in Langford, *Writings and Speeches*, IX, 296-86. Keep in mind that these two pieces, like many of Burke's other writings, were argued in specific political contexts, and were not the deepest expressions of Burke's political philosophy.

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.<sup>578</sup>

For Burke, government holds tightly constrained but significant responsibilities in a political community. It should promote a common religion,<sup>579</sup> create a stable legal system, generate revenue, maintain a military, and charter specific international trading companies. Broadly speaking, in other words, the duty of the state in *Thoughts and Details* is to advance a religious ethic, fortify national security, preserve domestic order, and finance government operations. That Burke also includes government-backed corporations, such as the East India Company, within this framework further confirms he did not blindly defer to *laissez faire* economics.

Burke's remarks in *Third Letter on a Regicide Peace*, which he first began drafting in late 1796 just over a year after he started writing *Thoughts and Details*, is an echo of his commentary in the economic tract. In *Third Letter*, Burke writes

Let Government protect and encourage industry, secure property, repress violence, and discountenance fraud, it is all that they have to do. In other respects, the less they meddle in these affairs the better; the rest is in the hands of our Master and theirs.<sup>580</sup>

Like in *Thoughts and Details*, Burke in *Third Letter* hints at a distinction between the exterior responsibilities of the state—create the conditions for industry to prosper and promote law and order—and the interior activities of the people, which should be left to flourish on their own.

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<sup>578</sup> See Langford, *Writings and Speeches*, IX, 143.

<sup>579</sup> Remember that Burke also displayed sympathy toward religious minorities. See Michael McConnell, "Establishment and Toleration in Edmund Burke's 'Constitution of Freedom,'" *The Supreme Court Review* 1995 (1995): 393-462.

<sup>580</sup> Langford, *Writings and Speeches*, IX, 355.

In doing so, Burke communicates that the state is indispensable to preserving social order and market liberty. This point is essential to grasping his conception of the relationship between government and commercial activity: Burke believed that to the extent that the state should intervene to enforce the law, it should do so forcefully and efficiently, but not too frequently. The state, “[i]n its preventive police it ought to be sparing of its efforts,” Burke writes in *Thoughts and Details*, “and to employ means, rather few, unfrequent, and strong, than many, and frequent, and, of course, as they multiply their puny politic race, and dwindle, small and feeble.”<sup>581</sup> Burke suggests that the salutary effect of state intervention is inversely proportional to the intensity of its activity: the more regulations government creates, the less effectual and meaningful they become.

Burke is articulating a pattern of thought about human law that dates back through the Middle Ages to classical antiquity. This tradition saw man-made law as ineffective and counterproductive if used to regulate an excess of human activities and social associations; thus human law should be direct, consistent, and selective. In his critique of Plato’s theory of uniformity in the *Republic*, Aristotle writes in the *Politics* that attempts by the city-state to impose unity through regulations frays the social bonds that tie human beings to one another in communities.<sup>582</sup> Thomas Aquinas argues in the *Summa Theologiae* that a deluge of laws managing all aspects of individuals’ lives could spark negative consequences because they might create even more problems on the part of the state, such as the inability to enforce all of the laws, the possibility that some regulations may thwart some public goods, and the

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<sup>581</sup> Langford, *Writings and Speeches*, IX, 143.

<sup>582</sup> Aristotle, *Politics*, 103-11. Note that Aristotle may have misinterpreted Plato’s theory of uniformity in the city-state.

prospect that it could encourage people to act lawlessly.<sup>583</sup> Locke writes in *Second Treatise* that people should be governed by “establish’d *standing Laws*, promulgated and known to the People; and not by Extemporary Decrees; by *indifferent* and upright *Judges*...”<sup>584</sup>

In *Thoughts and Details* Burke picks up on this line of thinking. According to Burke, the state, rather than issuing a swarm of economic mandates, should set forth simple and straightforward rules that can be enforced consistently. In this context, Burke distinguishes between higher and lower duties of government. The higher duty, the first duty of state officials, is to form laws that fulfill the national responsibilities of government, such as national defense and the preservation of public order. The lower duty of governing local communities, Burke suggests, should be reserved for the autonomous groups within those jurisdictions. If government officials creep beyond the confines of the higher responsibilities, Burke insists they will not succeed in accomplishing their goals:

...[A]s [statesmen] descend from the state to a province, from a province to a parish, and from a parish to a private house, they go on accelerated in their fall. They *cannot* do the lower duty; and, in

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<sup>583</sup> See, for example, St. Thomas, *Summa Theologica*, vol. II, 998, I-II, Q. 91, Art. 4: “...[A]s Augustine says...human law cannot punish or forbid all evil deeds: since when aiming at doing away with all evils, it would do away with many good things, and would hinder the advance of the common good, which is necessary for human intercourse”; vol. II, 1018, I-II, Q. 96, Art. II, Reply Obj. 2: “Wherefore it does not lay upon the multitude of imperfect men the burdens of those who are already virtuous, viz., that they should abstain from all evil. Otherwise these imperfect ones, being unable to bear such precepts, would break out into yet greater evils...i.e. the precepts are despised, and those men, from contempt, break out into evils worse still”; vol. II, 1022, I-II, Q. 96, Art. 6, Reply Obj. 3: “...[E]ven if a lawgiver were able to take all the cases into consideration, he ought not to mention them all, in order to avoid confusion: but should frame the law according to that which is of most common occurrence”; and vol. III, 1513, I-II, Q. 78, Art. I, Reply Obj. 3: “Human laws leave certain things unpunished, on account of the condition of those who are imperfect, and who would be deprived of many advantages, if all sins were strictly forbidden and punishments appointed for them. Wherefore human law has permitted usury, not that it looks upon usury as harmonizing with justice, but lest the advantage of many should be hindered.”

<sup>584</sup> Locke, *Second Treatise*, 353.

proportion as they try it, they will certainly fail in the higher. They ought to know the different departments of things; what belongs to laws, and what manners alone can regulate. To these, great politicians may give a leaning, but they cannot give a law.<sup>585</sup>

Such comments reinforce Burke's stress on local knowledge in *Thoughts and Details*. State officials who attempt to regulate the habits and customs of particular communities are bound to fail, Burke claims. As these are some of his concluding remarks in the memorandum, he does not elaborate on their philosophic substance. But, based on his steady emphasis in the writing on the primacy of personal socioeconomic relationships, Burke, it is safe to say, means that distant legislators do not possess the relevant information about local traditions, conventions, and socioeconomic circumstances required to effectively govern those communities.

Burke also hints at his notion of what today in America is called an "unwritten constitution." An unwritten constitution is the patchwork of a culture's norms, customs, and traditions that antedate formal, legal regulations of human conduct.<sup>586</sup> It is a particular *ethos*, blending civic culture with ethical habituation, that prepares a people for self-rule (albeit, in Burke's case, under a limited constitutional monarchy) without needing to rely primarily on the guidance of the state. For Burke, personal market arrangements can be governed not by the state but by the civilizing influence of "manners." Manners create a self-regulating system of social and economic order, ironing and smoothing out whatever disagreements may arise between market actors. Burke does admit above that legislators may "give a leaning" to nudge people toward adopting particular manners, but he suggests that

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<sup>585</sup> Langford, *Writings and Speeches*, IX, 143-44.

<sup>586</sup> Alexis de Tocqueville provided the classic expression of this conception in *Democracy in America*, trans. and ed. Harvey C. Mansfield and Delba Winthrop (Chicago: The University of Chicago Press, 2000). See also Orestes Brownson, *The American Republic: Its Constitution, Tendencies, and Destiny* (New York: P. O'Shea, 1866).

this leaning is inherently limited in contrast with the more effectual capacity of a people to regulate their own conduct voluntarily.

Furthermore, in mentioning the “different departments of things,” Burke insinuates that any attempt to regulate human activities requires a careful consideration of place and context: an economic interaction between two consenting parties is a private affair,<sup>587</sup> and constitutes a wholly different category of human activity than criminal behavior, for instance. Burke maintains that the state should intervene in the latter but not the former, since one primary function of government Burke lists above is to preserve public peace—not regulate market activity between employers and employees.

In short, Burke flirts with *laissez faire* liberalism but does not fully endorse it in *Thoughts and Details*. Similar to *laissez faire* thinking, he believes that a minimalist government is essential to creating the preconditions necessary for free commerce to flourish, such as a stable rule of law, domestic tranquility, and a national defense. Government provides a secure structure on which the vibrancy of market exchange can thrive. It enforces contracts, punishes lawbreakers, and secures property. It executes laws fairly and forcefully, but not does make too many of them. Good government knows its potentialities and limitations. Yet Burke also endorses chartered corporations, a state-backed religion, and a strong military, three positions that contravene typical conceptions of *laissez faire* doctrine, or at least its more radical strands.

So what if Burke is not an absolute supporter of *laissez faire* economics? First, this conclusion challenges one influential secondary interpretation of his economic thought,

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<sup>587</sup> This is not to say that Burke believed the consequences of private economic activity remained in the private sphere. Burke understood voluntary market transactions to hold public benefits, as will be discussed in Chapter 5.

exemplified by Macpherson and Kramnick, that depicts him as a *laissez faire* liberal. It also challenges another interpretation, represented by Himmelfarb, Preece, and Frazer, that spotlights Burke's seemingly extreme embrace of free market economics in *Thoughts and Details*. Second, that Burke was not a strict *laissez faire* enthusiast suggests that his philosophy of prudence might not be sacrificed in *Thoughts and Details*. Third, this conclusion shows that Burke's intention in the writing was *not* to call for a complete noninterventionist approach on the part of the state.

One final remark about Burke's statements regarding the role of the state is necessary. Burke's distinction between higher and lower duties reveals his belief in a natural order of things. The lower order of self-organizing communities demands that lawmakers respect their ability to regulate themselves without the need of national government, while the higher order of national government responsibilities requires that parliamentarians concentrate on those tasks that they are best positioned to control, such as national defense, a public religion, and domestic tranquility. If the eyes of legislators shift from trying to fulfill the higher duties of the state to the lower duties of the community, then they will not only fail completing the lower responsibilities but will also "certainly fail in the higher."

#### **f. Rationalism in *Thoughts and Details***

The significance of Burke's reproach of wage regulations eclipses specific questions over judicial power, regulatory authority, or arbitrary taxation. There is a deeper *philosophical* component to his advocacy of government restraint, and one that unmasks a clearer picture of Burke's conception of rationalism in relation to his reflections on political economy in *Thoughts and Details*. This philosophical aspect shows that, in Burke's judgment, different



opinions about the virtues of government intervention are at root disagreements over the use and abuse of reason.

Consistent with the previous section's discussion of the role of the state, Burke argues that justices of the peace, and lawmakers in general, do not possess the deep reservoir of local knowledge necessary to enact laws that will benefit the underclass. Regarding wages and contracts between farmers and laborers, Burke writes:

Legislative acts, attempting to regulate this part of oeconomy, do, at least, as much as any other, require the exactest detail of circumstances, guided by the surest general principles that are necessary to direct experiment and enquiry, in order again from those details to elicit principles, firm and luminous general principles, to direct a practical legislative proceeding.<sup>588</sup>

Burke reinforces these beliefs when discussing how uniform wage regulations fail to consider the diversity of labor in the agricultural economy. In reference to his aforementioned description of the different categories of labor, which he admits is “inferior,”<sup>589</sup> Burke writes that it

is introduced to shew, that laws prescribing, or magistrates exercising, a very stiff, and often inapplicable rule, or a blind and rash discretion, never can provide the just proportions between earning and salary on the one hand, and nutriment on the other: whereas 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.<sup>590</sup>

These quotations lay bare some of the most important themes in *Thoughts and Details* because they marry Burke's support for free market activity with his deeper philosophical convictions about rationalism. The themes will be addressed under the following categories: the divide

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<sup>588</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>589</sup> Langford, *Writings and Speeches*, IX, 128.

<sup>590</sup> Langford, *Writings and Speeches*, IX, 128.

between legislative rules and experiential complexities; the question of knowledge; the primacy of self-regulation; and the role of rationality.

First, for Burke, the rigidity of legislative mandates cannot capture the heartbeat of experiential reality in socioeconomic affairs: fluid and implicit agreements, practices, and intuitive understandings between the farmer and laborer. Stiff bureaucratic rules do not accurately reflect the implied contract, as Burke described their relationship. A government-mandated rule is a top-down phenomenon, set by magistrates not attuned to local socioeconomic circumstances. And, unlike free-flowing prices, state edicts cannot be changed quickly, but only after being sanctioned through formal institutional procedures.

Second, Burke illustrates that it is difficult for economic legislation to advance the well-being of local market actors because of the limitations of human knowledge. In Burke's judgment, state regulations of market activity, or at least those that are effective, demand a profound depth of information about particular situations, labor contracts, and relationships. They require the "exactest detail of circumstances" in order to arrive at a sound regulation. And, as Burke outlines in the first block quotation above, economic regulations face a double barrier of epistemological certitude: first, they must discover general principles about the best way to dictate "experiment and enquiry" regarding economic activity. Then, from the details of local circumstances, legislation must create new principles to apply to a "practical legislative proceeding."

This pretense of knowledge pervades calls for the state to intervene in economic affairs, according to Burke. The individual who champions wage regulations "supposes or pretends that the farmer and the labourer have opposite interests..."<sup>591</sup> It presumes that the

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<sup>591</sup> Langford, *Writings and Speeches*, IX, 124.

justice of the peace is “the protector of the latter, and a controul and restraint on the former...”<sup>592</sup> The magistrates who set wage rates “confide more in their abilities than is fit, and suppose them capable of more than any natural abilities, fed with no other than the provender furnished by their own private speculations, can accomplish.”<sup>593</sup>

From Burke’s perspective, wage regulations are not simply a question of authority; they also represent a swollen sense of confidence and importance on the part of the regulators in believing they possess sufficient knowledge to control economic affairs in order to benefit the poor. If the magistrate cannot take into account the blur of details within fluid and private social relations, how can one be sure that the law will actually benefit either the farmer or the laborer? According to Burke, therefore, the idea that a statesman, distant and removed from the pulse of local economic activity, knows the best interests of contracting parties better than they do themselves exposes *ignorance*.

Third, Burke believes that the gift of self-regulation, rather than the magistrate, effectively mediates relationships between employers and employees. The “tact” that “regulates without difficulty” above is the guiding hand of experiential reality, weaving and threading seemingly disparate economic activities into a cohesive but never-ending fabric. This self-organizing principle of economic activity escapes conceptual definition. It is intuitive, pre-cognitive, and beyond the capacities of the human mind to articulate verbally with precision.

More so, this concept can be better understood through the word’s Latin root that means “to touch.” The tact of self-regulation for Burke reflects the touch of *experience* in market activities, reflecting the constellation of “interest, habit, and the tacit convention”

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<sup>592</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>593</sup> Langford, *Writings and Speeches*, IX, 124.

that organically arranges economic activity. The further implication is that the power of self-regulation drastically reduces the importance of the regulator. For Burke, if individuals can make informed decisions about their particular socioeconomic circumstances, then they will not need regulators to set wage rates and terms of contract for them.

Fourth, and finally, Burke's thought signals his disgust with the intrusion of abstract rationality into particular socioeconomic circumstances. He uses the word "rational" or its cognates in *Thoughts and Details* once, and not in the context of abstract thinking.<sup>594</sup> Yet the philosophical foundation for his critique of government intervention above rests on a conception of the limits of theoretic reason. Enthusiasts for wage regulations believe that "the farmer oppresses the labourer; and that a gentleman called a justice of peace, is the protector of the latter, and a controul and restraint on the former..."<sup>595</sup> From the perspective of Burke, the seeming rationality of economic legislation in order to correct these injustices is embodied by, as he writes above, the "surest general principles," "elicit principles, firm and luminous general principles," and "very stiff, and often inapplicable rule[s]." For Burke, these mandates do not accurately reflect the intuitive and multi-layered reality of free-flowing socioeconomic activities. The gap between stiff legislative principles and concrete market experience mirrors the vast space between abstract reason and the texture of practical economic conditions.

Burke's broader conclusion in *Thoughts and Details* is that theoretic rationalism struggles to steer market activity toward the common good. If men and women can arrange their economic affairs themselves, then state intrusion into the natural distribution of

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<sup>594</sup> Burke refers to "the happiness of the rational man." See Langford, *Writings and Speeches*, IX, 122.

<sup>595</sup> Langford, *Writings and Speeches*, IX, 124.

commerce might disrupt the vibrancy of the market and, in turn, injure the well-being of its participants. Economic regulations, particularly those that are arbitrary, struggle to apprehend the intimate complexity of relationships between employers and employees. To the extent that the abstract rationality inherent in state edicts is true, its applicability to specific economic conditions may be false.

Consider Burke's description of the different types of labor, as discussed in Chapter 3. He submits this classificatory framework to show that a single numerical wage fails to take into account the diversity of agricultural work. Do men who work part-time deserve the same salary as men who work fulltime? Do children who work less than their mothers deserve the same wage? Should an older man with fewer agricultural skills be paid the same as a younger man with more dexterity? Should a younger man with little experience be paid the same as an older man with more experience? Government-mandated wages fail to reflect the "just proportions" between a laborer's earnings and an employer's provision of food and shelter, as Burke says above. Economic legislation that cements general principles into law overlook the "thousand nameless circumstances" of convention, contract, and custom.

What Burke is really communicating is that market regulations, at least those he elaborates on in *Thoughts and Details*, are attempts to quantify the unquantifiable. The participation of individuals in markets is experiential reality, but, for Burke, this does not mean that human beings are capable of measuring experiential reality through strict numerical calculation. Economic regulations, for example, will struggle to compute "just" wages with precision because of the limitations of human knowledge in determining what exactly is a "just" salary. Burke's argument is not that there should no be rules guiding economic activity, but that those rules can be best developed through private interaction between individuals.

### g. Rationalism and the Hayek Connection

Expanding off of these arguments, one can more firmly establish the philosophical convergence between Burke and Hayek on the subject of political economy. Recall that Hayek, like Burke, praises the price system in market economies for channeling resources more efficiently than the single human mind, or multiple minds, could. The essence of Hayek's defense of market activity is that theoretical rationalism, as embodied in law regulating prices, wages, and contracts, cannot capture the complexity of economic activity that itself produces a self-regulating harmony.

In other words, Hayek harbors a deep disdain for the idea that rational economic planning can effectively allocate resources and produce more desirable outcomes than individuals associating with each other organically. In diverse communities, individuals possess wide-ranging goals, interests, inclinations, and preferences. They engage in economic activity with the intention of fulfilling of at least some of these wants. More so, individuals may value these desires differently. How, then, according to Hayek, would it be possible for state officials, distant and removed from individuals, to apprehend the particular goals and wishes of countless people? "[I]t would be impossible for any mind to comprehend the infinite variety of different needs of different people which compete for available resources and to attach a definite weight to each," he writes in *The Road to Serfdom*.<sup>596</sup> For Hayek and Burke, even the brightest individual mind is only aware of a minuscule portion of the vast knowledge necessary to coordinate economic activity efficiently.

When making this point, Hayek rebukes the intellectual school of "constructivist rationalism," also called "Cartesian rationalism" or the "French tradition." Inspired by the

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<sup>596</sup> F.A. Hayek, *The Road to Serfdom*, ed. Bruce Caldwell (Chicago: The University of Chicago Press, 2007), 102.

logical reductionism of philosopher Rene Descartes, this rationalist approach held that abstract reason can guide man toward truth. Constructive rationalism rejected the idea that institutions and practices can grow gradually. According to constructivist rationalism, Hayek writes, “Morals, religion and law, language and writing, money and the market, were thought of as having been deliberately constructed by somebody, or at least as owing whatever perfection they possessed to such design.”<sup>597</sup> The fist of the individual in power, armed with preternatural wisdom and knowledge, forced human beings to act in accord with his own political vision.

Hayek identifies the “British tradition” as an alternative to constructivist rationalism. The British tradition believed that social institutions and practices, such as market activity, blossomed from the slowly accumulated insights and discoveries of knowledge spanning generations. This tradition, within which Hayek places Burke,<sup>598</sup> “comprehend[ed] how institutions and morals, language and law, have evolved by a process of cumulative growth and that it is only with and within this framework that human reason has grown and can successfully operate.”<sup>599</sup> The knowledge created and refined during this process of civilizational progress was not the product of the individual Cartesian mind; instead it was tapped from the vast pool of wisdom of many people, manifested in institutions, customs, and traditions. “Not all knowledge of the ever changing particular facts that man continually uses lends itself to organization or systematic exposition; much of it exists only dispersed among countless individuals,” Hayek writes.<sup>600</sup> Economic activity is a naturally forming

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<sup>597</sup> Friedrich A. Hayek, *Law, Legislation, Liberty*, vol. I, *Rules and Order* (Chicago: The University of Chicago Press, 1973), 10.

<sup>598</sup> Hayek, *Constitution of Liberty*, 110.

<sup>599</sup> Hayek, *Constitution of Liberty*, 112.

<sup>600</sup> Hayek, *Constitution of Liberty*, 76. Carl Menger also expressed similar thoughts: “Language, religion, law, even the state itself, and to mention a few economic social

mosaic, emerging from shifting pieces of market arrangements that organize themselves into a picture of harmony.

Hayek's insights are eminently consistent with Burke's critical assessment of wage regulations in *Thoughts and Details*. Recall that Burke rebuked them for creating a "very stiff" and "often inapplicable rule," a slab of steel unable to adapt to the fluid circumstances of agricultural activity between farmers and laborers. Hayek and Burke are both critiquing the rationalism lurking within economic regulations that do not take into account the sheer multiplicity of situations and conditions in dynamic market economies. For Burke, "interest, habit, and the tacit convention" create a self-regulating system of market order, just as Hayek's conception of experiential knowledge, and not Cartesian rationalism, produce spontaneous order throughout generations.

While Hayek is perhaps the most famous economist to shine light on the gulf between abstract knowledge and local knowledge, this insight had been anticipated in some sense by previous economic thinkers, including not only Burke but dating from Adam Smith back to Aristotle. Aristotle was famously hostile of *chrematistike*, the process of acquiring exchange goods, as well as of usury and the general spirit of commercial cultures. Yet, in part of his critique of Plato's proposal for communal ownership, Aristotle also recognized that stewardship over privately owned property is stronger than over communally owned land. "[W]ith every man busy with his own [property], there will be increased effort all around," he

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phenomena, the phenomena of markets, of competition, of money, and numerous other social structures are already met with in epochs of history where we cannot properly speak of purposeful activity of the community as such directed at establishing them." See Menger, *Investigations into the Method of the Social Sciences*, ed. Louis Schneider (Auburn, AL: The Ludwig von Mises Institute, 2009), 146.



writes in the *Politics*.<sup>601</sup> Adam Smith wrote that “every individual, it is evident, can, in his local situation, judge much better than any statesman or lawgiver can do for him,” he writes.<sup>602</sup> For both thinkers, a stake in the game creates an incentive for the individual to treat his property well.

Similarly, Hayek’s emphasis on the aforementioned “particular circumstances of time and place” relies on the premise that “practically every individual has some advantage over all others in that he possesses unique information of which beneficial use might be made, but of which use can be made only if the decisions depending on it are left to him or are made with his active cooperation.”<sup>603</sup> The complexity of market conditions, therefore, does not mean that the individual cannot make informed judgments about his *personal* socioeconomic situations; for Hayek, even if he does not possess every bit of information about all market processes, he is still in a far better position than a government official, or anyone else for that matter, to make autonomous economic choices that will promote his well-being. The locus of epistemological authority should reside in the individual agent.

Consider a practical example that illustrates Burke’s embrace of this principle. In March 1776, the House of Commons considered a Butcher’s Meat Bill that regulated butchers’ meat trade. It mandated that livestock, upon reaching the market, be slaughtered

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<sup>601</sup> Aristotle, *Politics*, 114. Note that Aristotle also writes that property should be used communally, and that it was a “particular duty of a lawgiver to see that citizens are disposed to do this.” *Politics*, 115. This suggestion that legislators should coerce individuals into distributing property to other people appears to conflict with Burke’s appraisal of market freedom. In addition, while Aristotle demonstrated an awareness of the incentive structure of private property, he did not sufficiently articulate the problem of *knowledge* in communally owned property. Hayek, and Burke, recognized this implication. See Fred D. Miller, *Nature, Justice, and Rights in Aristotle’s Politics* (Oxford: Clarendon Press, 1997) for a recent exploration of Aristotle’s views on property.

<sup>602</sup> Smith, *Wealth of Nations*, vol. I, 456.

<sup>603</sup> Hayek, “Use of Knowledge,” 521-22.

only after a certain period of time in order to ensure high quality meat.<sup>604</sup> The thinking was that animals slaughtered too quickly, without time for rest, would produce tainted meat.

Burke opposed the legislation in his *Speech on Butcher's Meat Bill*, given on 26 March 1776.<sup>605</sup> In the speech, he first claims that the bill would encourage a monopoly by hurting small butchers who, not being able to afford to keep the animals they might buy, would not purchase them in warm weather.<sup>606</sup> This point hints at his aversion to economic monopoly. His next argument signals a keen awareness of the particular circumstances of time and place. Burke “insisted that poor People would buy Meat a little tainted, and that Means might be devised by Salt, Spices, etc. to preserve it from Putrefaction, so as in the End, to render it both wholesome and palatable Food.”<sup>607</sup> While consumers of more fortunate means may prefer to buy higher quality beef at a higher price, individuals from more modest backgrounds may choose to accept the tradeoffs of purchasing lower quality food.

Burke is calling attention to the diversity of preference in market economies: particular individuals desire particular goods of particular qualities at particular prices. Disturbing the natural circulation of trade would prevent individuals from purchasing their desired goods specific to their tastes and expectations. In this case, Burke insinuates that the Butcher's Meat Bill would create the unintended consequence of harming the poor by limiting their access to meat. For Burke, consumers of modest means hold deeper knowledge about their personal circumstances than legislators, and are in a better position to judge whether their market purchases are worth the costs.

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<sup>604</sup> Langford, *Writings and Speeches*, III, 224.

<sup>605</sup> See Langford, *Writings and Speeches*, III, 224-25.

<sup>606</sup> Langford, *Writings and Speeches*, III, 224-25.

<sup>607</sup> Langford, *Writings and Speeches*, III, 225. Burke also notes that wine had once been considered poisonous before experience showed that it actually generated “Chearfulness and good Humour.”

In another connection between Burke and Hayek, Burke's conception of the market economy in *Thoughts and Details* is closer to Hayek's idea of "catallaxy"<sup>608</sup> than the traditional understanding of "economy," and indeed reflects the shift in meaning of "economy" from classical antiquity to the eighteenth century. Remember that the ancient Greek perspective grasped "economy" as the deliberate use of predetermined means to achieve a specific and shared end in the household. Hayek posits that this notion failed to explain the complex network of "many interlaced economies" that serves "the multiplicity of separate and incommensurable ends of all its separate members."<sup>609</sup> Catallaxy, he notes,<sup>610</sup> derives from the Greek verb meaning "to exchange," "to admit into the community," and "to change from enemy into friend." The study of catallaxy, therefore, unveils the synchronizing chords of market order, emerging from the reconciliation of disparate information and countless people involved in economic activities. Catallaxy reflects the idea that consensual market transactions are not zero-sum contests, but rather interpersonal arrangements in which both parties gained from the exchange, even if they have divergent goals and desires.<sup>611</sup>

Burke's description of markets in *Thoughts and Details* mirrors catallaxy. Recall his contention that employers and employees enter into an implied contract in which both parties end up gaining in some meaningful way from their socioeconomic arrangement. For Burke, as for Hayek's notion of catallaxy, market actors do not necessarily possess the same

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<sup>608</sup> Hayek was not the first to conceptualize economic activity this way. English archbishop and professor of political economy Richard Whately, when criticizing the phrase "political economy," wrote that he preferred the term "Catallactics" to describe the "Science of *Exchanges*." See Whately, *Introductory Lectures on Political Economy*, 3<sup>rd</sup> ed. (London: B. Fellowes, 1847), 5.

<sup>609</sup> F.A. Hayek, *Law, Legislation, and Liberty: The Mirage of Social Justice*, vol. II (Chicago and London: The University of Chicago Press, 1976), 108.

<sup>610</sup> Hayek, *Mirage of Social Justice*, 108.

<sup>611</sup> See Hayek, *Mirage of Social Justice*, 107-32.

goals, but they still receive benefits from participating in market activities. A difference of aims crystallizes into a settled synthesis between the farmer and laborer, much like catallaxy transforms supposed market competitors into friends through the principle of mutual exchange. More so, Burke sees market economies as an intricate web of varying personal market arrangements, much like Hayek uses catallaxy to describe the phenomenon of “many interlaced economies.” For both thinkers, catallaxy signified a nexus of commercial possibilities. Hayek wasn’t the only thinker to embrace the principles behind Burke’s philosophy of political economy, however.

#### **h. Burke and Adam Smith**

Hayek placed Adam Smith as well as Burke in the “British tradition” of anti-rationalist liberty.<sup>612</sup> This decision makes sense since Smith, like Burke, harbored a deep unease over planned systems of economic organization. Unsurprisingly, then, when studying Burke’s political economy, it is difficult to ignore the intellectual similarities between Burke and Smith. This section will briefly introduce the historical and philosophical relationship between the two thinkers. In the chapters ahead, this dissertation will continue to integrate Smith’s analysis of the same economic issues Burke faced in the eighteenth century. By exploring Burke’s thought in relation to that of perhaps the most famous advocate of market liberalism in the modern era, we can better examine the depth of Burke’s commitment to commercial liberty.

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<sup>612</sup> Hayek, *Constitution of Liberty*, 110. See also Michael W. Spicer, *The Founders, the Constitution, and Public Administration: A Conflict in Worldviews* (Washington, D.C.: Georgetown University Press, 1995), 21-24.

Burke and Smith, seven years Burke's senior, held mutual respect and admiration for one another, and were active in similar social circles in the latter half of the eighteenth century.<sup>613</sup> They were members of Dr. Samuel Johnson's famed London-based Literary Club, which also included at various points Edward Gibbon, Joshua Reynolds, and Oliver Goldsmith. Burke was one of the original members of the Club. Smith joined later.

The two thinkers' connection ran deeper. One time Smith remarked that Burke, in light of the publication of Burke's work on aesthetics, *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful*, would be a welcome addition to the University of Glasgow.<sup>614</sup> In November 1783, Burke was elected Lord Rector of the university. When Burke visited Scotland in April of the following year to be installed, he traveled throughout the country, and was accompanied by Smith. They also dined together during Burke's time in Scotland.<sup>615</sup> Burke, encouraged by Smith, won election as a Fellow of the Royal Society of Edinburgh in June 1784. He was re-elected Lord Rector in November 1784 and traveled

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<sup>613</sup> See, among many sources, the following for information on their personal and intellectual relationship: Rae, *Life of Adam Smith*, 46-47, 387-397, including Jacob Viner's "Guide to John Rae's *Life of Adam Smith*," 23-33; C.R. Fay, "Burke and Adam Smith[.]being a Lecture delivered at The Queen's University of Belfast" (Belfast: Queen's University of Belfast, 1956); William Clyde Dunn, "Adam Smith and Edmund Burke: Complementary Contemporaries," *Southern Economic Journal* 7 (1941): 330-346; R.H. Campbell and A.S. Skinner, *Adam Smith* (New York: St. Martin's Press, 1982), 204-206; J. Shield Nicholson, *A Project of Empire: A Critical Study of the Economics of Imperialism, With Special Reference to the Ideas of Adam Smith* (London: Macmillan and Co., 1909), 18-21; Carl B. Cone, *Age of French Revolution*, 146-148; Lock, *Edmund Burke*, vol. II, 51-54; Himmelfarb, *Idea of Poverty*, 66-71; and Donald Winch, *Riches and Poverty: An Intellectual History of Political Economy in Britain, 1750-1834* (Cambridge: Cambridge University Press, 1996), 125-220.

<sup>614</sup> Prior, *Life of Edmund Burke*, 38n. There was an unsubstantiated rumor that Burke was a candidate to replace Smith as Chair of Logic at Glasgow, but no hard historical evidence corroborates this claim. See also Rae, *Life of Adam Smith*, 46-47.

<sup>615</sup> See Rae, *Life of Adam Smith*, 387-96.

again to Scotland, where he would again dine with Smith, and others, in Edinburgh in 1785.<sup>616</sup>

While the limited correspondence between Smith and Burke does not address philosophic issues with great rigor, the two thinkers clearly recognized an intellectual connection with one another. Burke was attracted to Smith's social and moral philosophy as outlined in Smith's *The Theory of Moral Sentiments*.<sup>617</sup> More so, Burke discerned common judgments relating to economic matters. Robert Bisset, a biographer of Burke, wrote that Smith, according to Burke, "told him, after they had conversed on subjects of political economy, that he was the only man, who without communication, thought on these topics exactly as he did."<sup>618</sup> There remains no hard historical evidence to confirm this anecdote. Nevertheless, that Bisset's biography was published in 1800, only three years after Burke

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<sup>616</sup> William Windham, *The Diary of the Right Hon. William Windham, 1784-1810*, ed. Mrs. Henry Baring (London: Longmans, Green, and Co., 1866), 63-64.

<sup>617</sup> David Hume alerted Smith to Burke's approbation in a letter he wrote to Smith in July 1759. Hume said that Burke was "much taken with your Book," referring to Smith's *The Theory of Moral Sentiments*. See Mossner and Ross, *Correspondence of Adam Smith*, 42. The book argued that the human source of moral sentiments lies in the feelings of sympathy and approbation human beings display toward one another. Smith first published *Theory of Moral Sentiments* in 1759 when he was serving as the Chair of Moral Philosophy at the University of Glasgow. Burke backed up Hume's account. He wrote Smith in September 1759 to praise *Theory of Moral Sentiments*: "I am not only pleased with the ingenuity of your theory; I am convinced of its solidity and Truth..." Burke stated. "A theory like yours founded on the Nature of man, which is always the same, will last, when those that are founded on his opinions, which are always changing, will and must be forgotten." Mossner and Ross, *Correspondence of Adam Smith*, 46. Burke also favorably reviewed the book in the 1759 edition of the *Annual Register*. See Burke, ed., *The Annual Register, For the Year 1759*, 8<sup>th</sup> ed. (London: J. Dodsley, 1802), 484-85. Burke's embrace of Smith's moral philosophy, however, may have cooled later in Burke's life. He spoke "coldly" of it by 1784. See Lock, *Edmund Burke*, vol. I, 187.

<sup>618</sup> Robert Bisset, *The Life of Edmund Burke: Comprehending an Impartial Account of His Literary and Political Efforts, and a Sketch of the Conduct and Character of His Most Eminent Associates, Coadjutors, and Opponents*, 2<sup>nd</sup> ed. (London: George Cawthorn, British Library, 1800), 429.

passed away, suggests that Bisset's retelling of the instance may not have strayed too far from the truth.

This anecdote is the springboard for the first chief intellectual similarity between Burke and Smith: their respective embrace of market liberalism. Indeed, Burke's *Thoughts and Details* could fit neatly as an addendum to *Wealth of Nations*. Both thinkers contended that market liberty was guided by a providential force that steered enlightened self-interest toward collective advantage. Burke's "benign and wise disposer" and Smith's "Invisible Hand," capture this belief. Even if an individual does not intend to promote the common good in his economic activities, the benefits that accrue from voluntary exchange reach members beyond himself, such as a more efficient distribution of resource, rising standards of living, and sufficient wages. "By pursuing his own interest he frequently promotes that of the society more effectively than when he really intends to promote it," Smith famously remarks in *Wealth of Nations*.<sup>619</sup> Less famously, but in the same spirit, Burke observed in *Thoughts and Details* that the benign and wise disposer "obliges men, whether they will or not, in pursuing their own selfish interests, to connect the general good with their own individual success."<sup>620</sup> In essence, individual gain in market economies promotes the public welfare. These similarities explain Burke's fondness for the economic principles outlined in *Wealth of Nations*. According to Dugald Stewart, Burke noted in a conversation with Stewart and Smith that the book was an "excellent digest" with "many valuable" observations.<sup>621</sup>

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<sup>619</sup> Smith, *Wealth of Nations*, vol. I, 456.

<sup>620</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>621</sup> Dugald Stewart, *Memoir Written on a Visit to Lord Lauderdale with Mr Burke and Adam Smith*, Centre for Research Collections, Edinburgh University Library, Dc. 6.111. This excerpt from Stewart's memoir appears to be the strongest evidence to date demonstrating Burke's strong approval of *Wealth of Nations*. Other historical evidence suggesting a connection rests on weak footing. See Rae, *Life of Adam Smith*, 24, including footnote 20. Note that *Annual Register* favorably reviewed Smith's *Wealth of*

In addition to their similar insight into the Invisible Hand-like phenomenon, Burke and Smith held other overlapping beliefs on the virtues of exchange economies. Commerce released from the hand of the state generates public opulence. The laws of supply and demand helped distribute goods in an efficient manner. Therefore, they believed that government should restrain itself from intervening in domestic markets. Government did have a role in providing a structure of stable laws that allow free commerce to flourish. But arbitrary state interference in markets, whether it was through excessive taxation, property seizures, or wage regulations, disturbed the wheel of circulation that tended to meet people's needs. Smith called the process by which men could pursue his economic interests without being directed by the state a "system of natural liberty."<sup>622</sup> Burke largely embraced this defense of market freedom, as evidenced by his sharp opposition to the government control of wages and the provisions trade in *Thoughts and Details*. For both, government intervention in the free market tended to inflict damage rather than alleviate pain.

Burke and Smith maintained the voluntary economic transactions enable a unity of interest to emerge between consenting adults. Recall Burke's observation in *Thoughts and Details* that the incentive structure in agricultural employment contracts motivates the farmer to treat his laborers well and the laborer to work diligently.<sup>623</sup> Now compare that insight with Smith's remarks in *Wealth of Nations*:

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*Nations* in 1776, although Burke most likely had ceded his editorial duties by this time. See *The Annual Register, For the Year 1776* (London: J. Dodsley, 1777), 241-43. It is interesting, however, that the review's acknowledgment of Smith's "diffuse" writing is similar to Burke's remark in his September 1759 letter to Smith that *Theory of Moral Sentiments* was "too diffuse" at times. See Mossner and Ross, *Correspondence of Adam Smith*, 47.

<sup>622</sup> Smith, *Wealth of Nations*, vol. II, 687. He also refers to "the natural system of perfect liberty." See Smith, *Wealth of Nations*, vol. I, 606.

<sup>623</sup> "It is the interest of the farmer, that his work should be done with effect and celerity; and that cannot be, unless the labourer is well fed, and otherwise found with



The liberal reward of labour, as it encourages the propagation, so it increases the industry of the common people. The wages of labour are the encouragement of industry, which, like every other human quality, improves in proportion to the encouragement it receives. A plentiful subsistence increases the bodily strength of the labourer, and the comfortable hope of bettering his condition, and of ending his days perhaps in ease and plenty, animates him to exert that strength to the utmost. Where wages are high, accordingly, we shall always find the workmen more active, diligent, and expeditious, than where they are low...<sup>624</sup>

The fascinating characteristic about Burke's thoughts in *Thoughts and Details* is that they are indistinguishable from Smith's insights at times. For both thinkers, voluntary exchange generates an element of reciprocity between the transacting parties. Agreements based on consent do not produce zero-sum consequences but rather spread advantages to both. Government intrusion into this private partnership would inhibit traders' ability to reap rewards.

Burke's and Smith's deeper theoretical convergence lies in their common belief that government intervention in private economic affairs exposes an empty presumption of local knowledge. As Burke wrote in *Thoughts and Details*, "interest, habit, and the tacit convention" in socioeconomic arrangements "regulates without difficulty, what laws and magistrates cannot regulate at all."<sup>625</sup> Recall Smith stated in *Wealth of Nations* that individuals in their local station can "judge much better than any statesman or lawgiver can do for him."<sup>626</sup> For both thinkers, the individual who is immediately involved in the economic transaction can best determine whether it will benefit him.

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such necessities of animal life, according to it's habitues, as may keep the body in full force, and the mind gay and cheerful." See Langford, *Writings and Speeches*, IX, 125.

<sup>624</sup> Smith, *Wealth of Nations*, vol. I, 99.

<sup>625</sup> Langford, *Writings and Speeches*, IX, 128.

<sup>626</sup> Smith, *Wealth of Nations*, vol. I, 456.

Legislators, however, wrongly assume that they possess the information necessary to regulate private commercial deals in a salutary manner. Burke noted in *Thoughts and Details* that legislation would require the “exactest detail of circumstances” to “direct a practical legislative proceeding.”<sup>627</sup> Smith writes in *Wealth of Nations*:

The statesman, who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself with a most unnecessary attention, but assume an authority which could safely be trusted, not only to no single person, but to no council or senate whatever, and which would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it.<sup>628</sup>

In both thinkers’ judgment, one’s immediate engagement with people and circumstances within his own socioeconomic environment far exceeds the cognitive capacities of distant lawmakers to understand the complex nature of their relationships. Government planning based on a pretense of knowledge, removed from the pulse of human economic activity, would undermine the particular insights and knowledge needed to make meaningful economic exchanges, thereby inhibiting public prosperity and threatening the common good. This belief reveals how Burke’s and Smith’s economic thought anticipated the core of Hayek’s epistemic conception of economics.

The thinkers’ skepticism of economic planning derived from an acknowledgment of the complicated nature of human activities. In *Reflections*, Burke lays stress on the importance of historical particularity: “Circumstances...give in reality to every political principle its distinguishing colour, and discriminating effect.”<sup>629</sup> This insight is eminently compatible with Smith’s comments in *Theory of Moral Sentiments*. “[C]asuistic rules,” Smith writes in *TMS*, are “often impossible to accommodate to all the different shades and gradations of

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<sup>627</sup> Langford, *Writings and Speeches*, IX, 124.

<sup>628</sup> Smith, *Wealth of Nations*, vol. I, 456.

<sup>629</sup> Langford, *Writings and Speeches*, VIII, 58.

circumstance, character, and situation, to differences and distinctions which, though not imperceptible, are, by their nicety and delicacy, often altogether undefinable.”<sup>630</sup> A political system built upon predetermined theoretical assumptions about human beings fails to reflect this diversity of circumstance.<sup>631</sup>

Such are some of the overlapping philosophical and practical observations from Burke and Smith. This is not to claim that Burke was influenced by Smith’s thought, or vice versa. As will be discussed, there are clues that indicate an implicit conversation between the two thinkers in their public observations on political economy, but it remains difficult to gauge whether one thinker gained a wholly new understanding of an economic issue from the other. In addition, as we shall learn, they did not hold the same judgments on all economic issues, including those relating to the East India Company, medieval inheritance customs, and export bounties. The question remains whether these differences stemmed from fundamental theoretical disagreements over economic principles, or whether the differences exposed tensions between acting on principle and acting on prudence. For right now, we can contend that Burke’s and Smith’s general appraisal of the merits of exchange economies were drawn from the same attachment to market liberalism.

#### **i. Conclusion: The Importance of *Thoughts and Details* in Burke’s Thought**

The intellectual convergence between Burke and Hayek confirms Burke’s place in the economic tradition of market liberalism—but only if we confine our analysis of his political economy to *Thoughts and Details*. Paradoxically, his pro-market convictions in the writing raise more questions than answers about his theory of political economy. Given that

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<sup>630</sup> Smith, *Theory of Moral Sentiments*, 227.

<sup>631</sup> See Frazer, “Seduced by System,” 357-72.

Burke is most famous for his attempt to retain elements of traditional Christianity and medieval chivalry in the Enlightenment period, his animated support for market liberty, at least on the surface, appears to conflict with his defense of prudence, prescription, and tradition. This seeming disjunction brings to light significant puzzles about the development of Burke's economic thought.

How much significance *should* one assign to *Thoughts and Details* when attempting to characterize his philosophy of political economy? Remember that the tract was written near the end of Burke's life, after he retired from Parliament. Does Burke's vindication of free markets in *Thoughts and Details* reflect continuities with or departures from his previous reflections on political economy? Does excessive focus on the memorandum neglect his other commentary on political economy that might express more sympathy for government intervention in the marketplace? How relevant is it that the tract was written addressing specific policy proposals in a specific historical context, for a specific audience, and at a specific time? Does *Thoughts and Details*, in fact, obfuscate more than clarify the relationship between Burke's economic thought and political thought?

First, it must be determined whether *Thoughts and Details* was an honest statement of Burke's economic doctrine *in the 1790s*. When Young visited Burke at Beaconsfield the spring following the drafting of *Thoughts and Details*, Burke went on a five-hour walk with him and discussed "French madness, price of provisions, the death of his son, the absurdity of regulating labor, the mischief of our Poor-laws, and the difficulty of cottagers keeping cows."<sup>632</sup> In addition, one of Burke's letters to Young in late May 1797, written less than

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<sup>632</sup> Langford, *Writings and Speeches*, IX, 120.

two months before Burke's death, paralleled his insights in *Thoughts and Details* and reflected the conversation he had with Young at Beaconsfield:

My constant opinion was, and is, that all matters relative to labour, ought to be left to the conventions of the parties. That the great danger is in Governments intermeddling too much...I am extremely sorry that any one in the House of Commons should be found so ignorant and unadvised, as to wish to revive the senseless, barbarous and, in fact, wicked regulations made against the free trade in matter of provision...<sup>633</sup>

It is clear, at the very least, that Burke's assessment of commercial and contractual liberty in *Thoughts and Details* is in alignment with his more personal beliefs about market freedom in the 1790s. Notice also that the intensity of his anti-regulatory message here—"senseless" and "barbarous" and "wicked"—matches the high temperature of his passions in *Thoughts and Details*.

Yet these contemporary accounts still do not hide the manifest limitations of *Thoughts and Details* when analyzing Burke's overall theory of political economy. As mentioned, Burke originally wrote the memorandum in an *ad hoc* fashion; he addresses a particular historical situation, the severe socioeconomic stresses in mid-1790s England; and he makes his critique of government intervention at the time based on particular legislative proposals, such as regulating wage and establishing public granaries. More so, the letter is short and poorly organized, and was "(hurriedly) scribbled,"<sup>634</sup> as Burke himself admitted.

These warts explain the debates in secondary interpretations over the significance of *Thoughts and Details* in relation to Burke's broader political philosophy. C.B. Macpherson and Isaac Kramnick, representing one view, place great stress on *Thoughts and Details*, which is

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<sup>633</sup> Burke to Arthur Young, 23 May 1797, in *The Correspondence of Edmund Burke*, vol. IX, *Part One: May 1796–July 1797*, ed. R.B. McDowell; *Part Two: Additional and Undated Letters*, ed. John A. Woods (Cambridge: Cambridge University Press, 1970), 361.

<sup>634</sup> Burke to William Pitt, 7 November 1795, in *Correspondence of Edmund Burke*, VIII, 337.

why, as mentioned, they characterize Burke as a *laissez faire* economic liberal. As Macpherson writes, “Burke took this notion of the necessity and hence equity of the capitalist market to an extraordinary length.”<sup>635</sup> (As outlined earlier, this dissertation disagrees with the depiction of Burke as an ardent *laissez faire* supporter.)

In contrast, James Conniff questions whether *Thoughts and Details* should be considered an authoritative expression of Burke’s economic beliefs. He minimizes the import of the tract on the wider corpus of Burke’s thought for reasons similar to the ones described above: Burke never published *Thoughts and Details* in his lifetime; he wrote it in a hasty fashion; the tract focused on the particular problem in a specific historical time period; and Burke himself did not assign much significance to the writing. Indeed, Burke remarked to Pitt that “it contained some Reflections and a good many small details. You will probably think the first not very well founded and the latter not a little tedious.”<sup>636</sup> He further told Pitt not to “mind whether any thing in this is too hot or too cold, too strong or too weak.”<sup>637</sup> Because of the limited nature of the essay, Conniff writes, Burke never elaborates on other pressing questions of political economy, such as the existing Poor Laws, the importance of teaching discipline to the indigent, and the subsistence wage theory.

In *The Political Economy of Edmund Burke*, the only book written about Burke’s political economy to date, Francis Canavan also does not accentuate *Thoughts and Details*. Canavan places more emphasis on Burke’s commentary on landed property and the landed aristocracy than on market liberalism. Canavan ultimately concludes that Burke’s political economy is

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<sup>635</sup> Macpherson, *Burke*, 58.

<sup>636</sup> Burke to William Pitt, [7] November 1795, in *Correspondence of Edmund Burke*, VIII, 337.

<sup>637</sup> Burke to William Pitt, [7] November 1795, in *Correspondence of Edmund Burke*, VIII, 337-38.

best understood as paternalistic Whiggism, and he rejects the portrayal of Burke's economics as classical liberal orthodoxy.

*Thoughts and Details* is more important than Conniff and Canavan let on, however. First, even though Burke never published the essay in his lifetime, he did intend to publish a writing with similar arguments at some point.<sup>638</sup> Second, Burke's observations in the tract were not unique to November 1795; as demonstrated, he repeated them the following spring, in May 1796, when taking a walk with Arthur Young at Burke's estate, and the next year, in May 1797, in his letter to Young. Third, as will be demonstrated in the following chapters, *Thoughts and Details* represented continuities with, not departures from, his previous economic thought. Fourth, the memorial does include firm philosophic substance concerning Burke's conception of rationality, human agency, economic epistemology, and a host of other profound issues. Fourth, others appreciated the weight of Burke's arguments in the tract. Sir John Sinclair, the President of the Board of Agriculture at the time, thought highly enough of Burke's economic analysis that, in April 1796, he asked Burke to draft a chapter about provisions and labor for the Board, which hoped to publish it.<sup>639</sup>

Sinclair was not the only individual who appreciated the content of *Thoughts and Details*. The memorandum was cited many years after it was published, in both positive and negative lights. John Ramsay McCulloch, a Scottish economist who had been appointed as the first professor of political economy at the University of London in 1828,<sup>640</sup> judged *Thoughts and Details* important enough to be included in his edited volume of economic

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<sup>638</sup> See "Historical Background and Context," Chapter 3.

<sup>639</sup> Young, *Autobiography of Arthur Young*, 256. See also Langford, *Writings and Speeches*, IX, 119.

<sup>640</sup> See David Weatherall, *David Ricardo: A Biography* (The Hague: Martinus Nijhoff, 1976), 106n2.

writings called *A Select Collection of Scarce and Valuable Economical Tracts*,<sup>641</sup> which also included essays from the distinguished French economist Anne Robert Jacques Turgot,<sup>642</sup> American Founding Father Benjamin Franklin, and author Robinson Crusoe. McCulloch wrote that Burke's memorial, even though it was published previously in collections of his works, still had "extraordinary merit" that was "more than enough to justify its republication."<sup>643</sup>

"It is certainly one of the best pamphlets of its class in the language, if it be not the very best," McCulloch said. "And the processors of this volume will be glad to have so brilliant a gem, detached from the mass of other matter in which it is usually buried."<sup>644</sup> McCulloch is clearly engaging in hyperbole—if the flawed *Thoughts and Details* was a "gem," what did that make Adam Smith's *Wealth of Nations*?—but his authority as a distinguished political economist lends some air of credibility to his assessment.<sup>645</sup>

Karl Marx references *Thoughts and Details* multiple times in *Capital*, at times to buttress Burke's points. This connection is one the more bizarre relationships in intellectual history, given the fact that Marx slandered Burke as a "vulgar bourgeois" in the same text, among various insults, and that Marx endorsed what Burke hated, revolution. In arguing that labor preserves old value and creates new value, Marx asserts in *Capital* that this process helps the capitalist. "The property...which labour-power in action, living labour, possessing of

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<sup>641</sup> John Ramsay McCulloch, ed., *A Select Collection of Scarce and Valuable Economical Tracts* (London: Lord Overstone, 1859). See pages 452-494.

<sup>642</sup> Turgot's essay, "Reflections on the Formation and Distribution of Wealth," first published in 1766, has been called the "most important treatise on economics" before *Wealth of Nations*, which was released in 1776. See P.D. Groenewegen, ed., *The Economics of A.R.J. Turgot* (The Hague: Martinus Nijhoff, 1977), xvii-xviii.

<sup>643</sup> McCulloch, *Select Collection*, xxi.

<sup>644</sup> McCulloch, *Select Collection*, xxi.

<sup>645</sup> In fact, McCulloch edited the 1828 edition of *Wealth of Nations*, which was the most widely known edition of the book in the nineteenth century. See Catherine M. Parisian, ed., *The First White House Library: A History and Annotated Catalogue* (University Park, PA: The Pennsylvania State University Press, 2010), 296.



preserving value, at the same time that it adds to it,” Marx writes, “is a gift of Nature which costs the Labourer nothing, but which is very advantageous to the capitalist inasmuch as it preserves the existing value of his capital.”<sup>646</sup>

Marx, in a footnote, then quotes Burke in *Thoughts and Details* (with Marx’s use of ellipses): “Of all the instruments of the farmers’ trade, the labour of man...is that on which he is most to rely for the repayment of his capital. The other two...the working stock of the cattle and the...carts, ploughs, and spades, and so forth, without a given portion of the first, are nothing at all.”<sup>647</sup> Marx here is wielding Burke’s insight that labor is the principal ingredient for the farmer’s financial reward stemming from his initial investment of capital. In addition, Marx quotes Burke’s observation in *Thoughts and Details* that laborers feed both themselves and their employers, the rich, in order to strengthen Marx’s own argument about the capitalist greed for surplus labor.<sup>648</sup>

Yet Marx cites, and then sharply criticizes, Burke’s contention that the work of a five men would generally match the work of any other group of five men.<sup>649</sup> (He also takes another opportunity to punch Burke in the stomach, calling him “[t]he celebrated sophist and sycophant.”<sup>650</sup>) In *Capital*, Marx further references, and then rebukes, Burke’s conception of the “labouring poor.”<sup>651</sup> Marx quotes Burke again in a neutral way, referencing Burke’s

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<sup>646</sup> Marx, *Capital*, 230.

<sup>647</sup> Marx, *Capital*, 230. Marx’s citation of Burke’s passage is slightly different from the version in Langford’s edition. See Langford, *Writings and Speeches*, IX, 125.

<sup>648</sup> Marx, *Capital*, 259. (Marx’s citation of Burke’s quotation is slightly different from the one in the Langford edition of Burke’s writings and speeches.) Not surprisingly, Burke’s point in *Thoughts and Details* is somewhat different: because the rich are a small socioeconomic class, government redistribution of their provisions to the destitute would not be sufficient to feed them, and would actually hurt both the rich and the poor. See Langford, *Writings and Speeches*, IX, 125.

<sup>649</sup> Marx, *Capital*, 354-55.

<sup>650</sup> Marx, *Capital*, 354.

<sup>651</sup> Marx, *Capital*, 833n2. He calls Burke “the execrable political cant monger.”

description about wage-fixing.<sup>652</sup> In essence, that Marx, perhaps the most famous political economist in human history, repeatedly cited<sup>653</sup> and critically engaged *Thoughts and Details* is further proof that the writing, or at least Burke's stature as a economic thinker, retained significance years after Burke passed away.

The economic tract was cited by Britain's Royal Commission on the Employment of Children, Young Persons, and Women in Agriculture, in a report published in 1868 on the work of women and children in the rural economy, a subject directly related to *Thoughts and Details*. The report cites Burke when arguing on behalf of high wages for workers. It states, "For many years past there have been able advocates of a high rate of remuneration to the agricultural labourer as the best means of obtaining a good day's work. Among the earliest of those advocates was Mr. Burke..."<sup>654</sup> The report appeals to Burke's idea of a reciprocity of interest between the farmer and laborer; it specifically quotes Burke's argument that the laborers who are "well fed, and otherwise found with such necessities of animal life, according to it's habitudes, as may keep the body in full force, and the mind gay and cheerful" will work with "effect and celerity."<sup>655</sup> *Thoughts and Details* was later referenced in the report by Edward Carelton Tufnell, a prominent civil servant who inspected poor law schools and industrial educational institutions.<sup>656</sup>

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<sup>652</sup> Marx, *Capital*, 659.

<sup>653</sup> Marx mentions Burke one more time in *Capital*, in a footnote unrelated to *Thoughts and Details*. See Marx, *Capital*, 795n3.

<sup>654</sup> Commission on the Employment of Children, Young Persons, and Women in Agriculture, *First Report of the Commissioners, With Appendix Part I* (London: George Edward Eyre and William Spottiswoode, 1868), xxxi.

<sup>655</sup> Commission on the Employment of Children, Young Persons, and Women in Agriculture, *First Report of the Commissioners, With Appendix Part I*, xxxi.

<sup>656</sup> Commission on the Employment of Children, Young Persons, and Women in Agriculture, *First Report of the Commissioners*, xiv. See "Obituary," *Journal of the Society of Arts*, vol. XXXIV (London: George Bell and Sons, 1886), 898.

Of course, such appeals to Burke could indicate more about Burke's authority as an eminent British statesman than about the strict philosophic content of his economic doctrine. Still, continuous references to the tract years after Burke died, combined with the other aforementioned historical evidence of its importance, suggests that it should be perceived as more than a mere private letter. *Thoughts and Details* was not among the best writings of Burke, but it provided a meaningful window into Burke's economic beliefs that should be taken seriously. Therefore, the tract is a strong initial foundation on which to assess Burke's thinking about the relationship between politics and economics.

This conclusion still does not answer the question posed at the outset of this section about whether *Thoughts and Details* is representative of Burke's broader economic thought. The following chapters will attempt to address this question. Consequently, the next topic this dissertation will confront is a subject that Burke barely touches upon in *Thoughts and Details* but one that is central to his insights into political economy: foreign trade.

## Chapter 5: Free Trade, the Question of Zero-Sum Economics, and Burke as a Legislator

### a. Introduction

The puzzle over whether *Thoughts and Details* is characteristic of Burke's broader economic thought raises the question about his beliefs on free trade.<sup>657</sup> Even if Burke did express unequivocal support for free market activity in the memorandum, he was referring primarily to the domestic grain market, not foreign trade. This chapter will broaden and deepen Burke's reflections about commerce to include his commentary on the latter. While previous chapters have sprinkled in Burke's thoughts about economics outside of *Thoughts and Details*, this will be the first chapter in which the bulk of textual and historical evidence will be marshaled from sources of Burke's thought other than his 1795 memorial.

This chapter will challenge two prevailing interpretations of Burke's economic thought. The first, as discussed in Chapter 3, is that the pro-market zealotry in *Thoughts and Details* signals an abrupt departure from his previous philosophy of moderation, and that it succumbs to the perils of abstract rationality that Burke had cautioned about during the French Revolution. The second scholarly interpretation this chapter will challenge is the notion that Burke originally held mercantilist sympathies, and that he gradually adopted the doctrine of free trade later in his career. "It was probably only as Burke's mercantilistic views moderated with the passage of time" that Smith could connect Burke's economic principles

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<sup>657</sup> Although "free trade" could be mean different things to different people in the eighteenth-century, its working definition for this dissertation is the general idea that trade restrictions between nations should be relaxed. Note, however, that this definition does *not* necessarily denote a belief that all trade barriers should be *abolished*. Adam Smith was an enthusiastic proponent of free trade, but he also supported the Navigation Acts.

with his own, David Stevens argues.<sup>658</sup> Burke biographer Carl B. Cone writes that the intellectual compatibility between Burke and Smith would be firmer if “one could find Burke attacking the protectionist system of the [British] Empire as vigorously as Smith.”<sup>659</sup> F.P. Lock writes, “In the 1770s, [Burke] still held to the mercantilist belief that exclusive or preferential trade with its colonies benefits the home country.”<sup>660</sup>

These arguments have led scholars to trace the development of Burke’s thought on trade and commerce in a number of ways. As noted, C.B. Macpherson and Kramnick depict Burke as a type of *laissez faire* economic liberal. Frank Petrella does so as well, calling Burke a “conservative classical economic thinker.”<sup>661</sup> James Conniff posits that Burke’s economics is “consistent” with his political philosophy because, in his view, the threads that connect the two patterns of thought together are prudence and utility. He describes Burke as a “moderate”<sup>662</sup> regarding the struggle between mercantilism and free trade. Conniff challenges the claim that Burke was an ardent *laissez faire* supporter for limited government intervention in the economy. Francis Canavan writes that Burke was “not an absolute free-trader” but an “enlightened imperialist.”<sup>663</sup> He states that Burke’s “imperialism included imperial protectionism...”<sup>664</sup>

These explanations contain merit, but they are insufficient to fully understanding Burke’s beliefs on trade and commerce. As discussed in Chapter 4 Burke was not a *laissez*

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<sup>658</sup> David Stevens, “Adam Smith and the Colonial Disturbances,” in *Essays on Adam Smith*, eds. Andrew S. Skinner and Thomas Wilson (Oxford: Clarendon Press, 1975), 204.

<sup>659</sup> Cone, *Age of American Revolution*, 326.

<sup>660</sup> Lock, *Edmund Burke*, vol. I, 388.

<sup>661</sup> Frank Petrella, “Edmund Burke and Classical Economics” (PhD diss., Notre Dame, 1961), 5. See also Petrella, “Liberal Practitioner.”

<sup>662</sup> James Conniff, *Useful Cobbler*, 116.

<sup>663</sup> Canavan, *Political Economy of Edmund Burke*, 119.

<sup>664</sup> Canavan, *Political Economy of Edmund Burke*, 119.

*faire* thinker. Yet this observation does not mean that Burke was a moderate in the debate about government intervention, commercial liberty, and free trade, or that his economic thought should be characterized as discriminatory interventionism or imperial protectionism. And it does not mean that the passion in *Thoughts and Details* is distinct from the tone of his economic thought previously expressed in his political writings and speeches.

Instead, historical evidence demonstrates that Burke leaned strongly in favor of free trade and market freedom consistently throughout his adult life, spanning from his earliest days as a representative in Parliament to his final years when he was writing *Thoughts and Details*. Textual evidence reveals that Burke did not equivocate over the principle of free trade and voluntary exchange. He praised their virtues with conviction and steadfastness, in both private and public settings. Therefore, two principal themes thread together Burke's commercial thought spanning from the 1760s through to the 1790s. First, he held a resolute commitment to commercial liberty. Second, he *begrudgingly* accepted the compromised nature of free trade measures. This reluctance was not because he pursued moderation as a predetermined policy goal, but because he accepted the reality that existing political circumstances constrained any additional action at the time to further promote economic freedom in the international arena.

#### **b. Free Trade, Protectionism, and the British Empire**

A brief summary of the British Empire's approach to foreign trade will help set the historical context for Burke's actions in Parliament on the question of commercial exchange. Traditionally, the purpose of the English tariff system was to raise revenue. A five percent

tax existed on most import and exports when William III came to power in 1689.<sup>665</sup> A number of import bans persisted in the Middle Ages and early modern period, but the only one of real consequence was on woolen cloth. England at the time of the Glorious Revolution of 1688-89 did not impose looming trade barriers. The country did not pursue a self-conscious, systematic strategy to translate into practice whatever mercantilist sympathies lingered in the minds of government officials and merchants.

It was in the fifteen years following the accession of William III to the English monarchy, and after him Queen Anne, that this relatively tame tariff system changed into a fortress of economic protectionism. Its chief purpose was to fund military expeditions. In the early 1690s, in order to finance its war with France, the British government erected additional duties, sometimes reaching up to twenty percent, on a wide variety of imported goods. The financial impact of the duties affected approximately two-thirds of the aggregate worth of the goods.<sup>666</sup> Almost all significant manufactured goods were saddled with additional duties. This precedent set in motion a pattern in which tariffs rate were imposed higher and higher for over a century to fund wars.

When the five percent duty on all ordinary imports was increased to ten percent in 1697 and fifteen percent in 1704-05, England's economic system signaled that the protectionist sympathies of British traders had congealed into an unavoidable political reality. After William III took the throne, Ralph Davis writes, "the English tariff system was transformed from a generally low-level, fiscal system into a moderately high-level system which, though still fiscal in its purposes, had become in practice protective..."<sup>667</sup>

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<sup>665</sup> See Davis, "Rise of Protection," 307.

<sup>666</sup> Davis, "Rise of Protection," 310.

<sup>667</sup> Davis, "Rise of Protection," 307.

Protectionism, then, emerged from efforts to properly finance government activities, and was encouraged by traders seeking to protect their industries from foreign competition.

In general, sugar became the most prominent import good in the eighteenth century.<sup>668</sup> Other productive imports included rice, tobacco, coffee, and other drinks and food. A significant portion of customs revenue came from food, drink, wine and tobacco.<sup>669</sup> The linen and silk industries grew favorably as well under protectionism, reflecting policies intended to thwart French commercial trade.<sup>670</sup>

Therefore, it is important to remember that protectionist measures were not driven strictly by pure economic convictions, and were often dictated by geopolitical considerations. In addition to funding wars, the British Empire, as did other European powers, frequently used commercial regulations as vehicles to drain the political strength of other countries and colonial subjects. British's imposition of prohibitive tariffs on French products was the quintessential example of this strategy.<sup>671</sup> Of course, trade protectionism was also the result of the political pull of domestic industries that feared competition from foreign powers.

The Navigation Acts were the most blatant attempt to exploit commercial regulations for political purposes. It served as the core of the British Empire's commercial policy in the seventeenth and eighteenth centuries. The Acts constituted a series of regulatory measures, first passed by the British Parliament in 1651 under Oliver Cromwell, to assist English traders in competing with Dutch merchants, whose trade thrived at the time following the lifting of the trade embargo between the Spanish Empire and the Dutch Republic. The acts allowed goods to be traded in Britain's North American colonies only if

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<sup>668</sup> Davis, "Rise of Protection," 315.

<sup>669</sup> Davis, "Rise of Protection," 315.

<sup>670</sup> Davis, "Rise of Protection," 316.

<sup>671</sup> Davis, "Rise of Protection," 309.



they were transported in British-made vessels and manned by British crews. Later acts attempted to reestablish British control over the American colonial trade following the English Civil War.<sup>672</sup>

The Navigation Acts mandated four types of regulations. They concerned the destination of colonial trade goods; an intricate system of drawbacks, import and export bounties, rebates, and export taxes; the particular manufacture of legally allowed goods; and the ownership of the vessels that transported the goods, and the nationality of the vessels' crews.<sup>673</sup> In sum, the Acts signified an effort to enhance the trading privileges of English merchants and tug American colonists back closer into the political orbit of the British Empire. They were repealed in 1849, almost two hundred years after they were first introduced.

Warfare through protectionist mercantilism had consequences. The colonists became most upset by the first regulation restricting the flow of colonial goods. It established a list of enumerated products that could be exported only to Britain, thereby placing European and Caribbean trade markets beyond the fingertips of colonial traders. More so, foreign goods imported into the colonies had to go through British ports and be subjected to their customs duties, in turn raising the cost of the imports. American colonists were not allowed to produce hats, iron, wool, and other enumerated goods. Britain also provided export bounties to domestic manufacturers of silks, other non-woolen textiles, linen, and

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<sup>672</sup> For a short introduction, see James S. Olson, ed., *Historical Dictionary of European Imperialism* (New York: Greenwood Press, 1991), 424.

<sup>673</sup> R.P. Thomas and D.N. McCloskey, "Overseas trade and empire, 1700-1860," in Floud and McCloskey, *Economic History of Britain since 1700*, 94.

gunpowder to sweeten their competitive edge against foreign traders dealing in the North American colonies.<sup>674</sup>

Robert Walpole, considered to be the first *de facto* prime minister of Britain, carried out reforms in 1722 that consolidated and simplified the tariff system, ended almost all export duties, and eased import restrictions on some minor materials. The rates of import duties instituted under William III and Anne remained the same, however. Moreover, England implemented a wave of protectionist laws from 1763 to 1776, overlapping with the time that Adam Smith was preparing his draft of *Wealth of Nations*.<sup>675</sup> New import bans were imposed against silk products, leather gloves, and stockings, and duties were elevated on linens and paper products.<sup>676</sup> As Davis writes, “At the time [Smith] was writing his great work the system [of mercantilist protectionism] was well developed, was extending and—still primarily under fiscal influences—was to be strengthened further in the war years at the end of the eighteenth century...”<sup>677</sup>

Despite these regulations, the blossoming of overseas trade in the eighteenth century performed a critical role in fueling the Industrial Revolution in Britain and strengthening the empire’s public prosperity. The rate of growth in foreign commerce surpassed that of the British economy in its entirety.<sup>678</sup> In particular, the last half of the century witnessed a sharp spike in foreign trade that far exceeded the years in the first half. See Figure 5.1 below.

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<sup>674</sup> Thomas and McCloskey, “Overseas trade and empire,” in Floud and McCloskey, *Economic History of Britain since 1700*, 94.

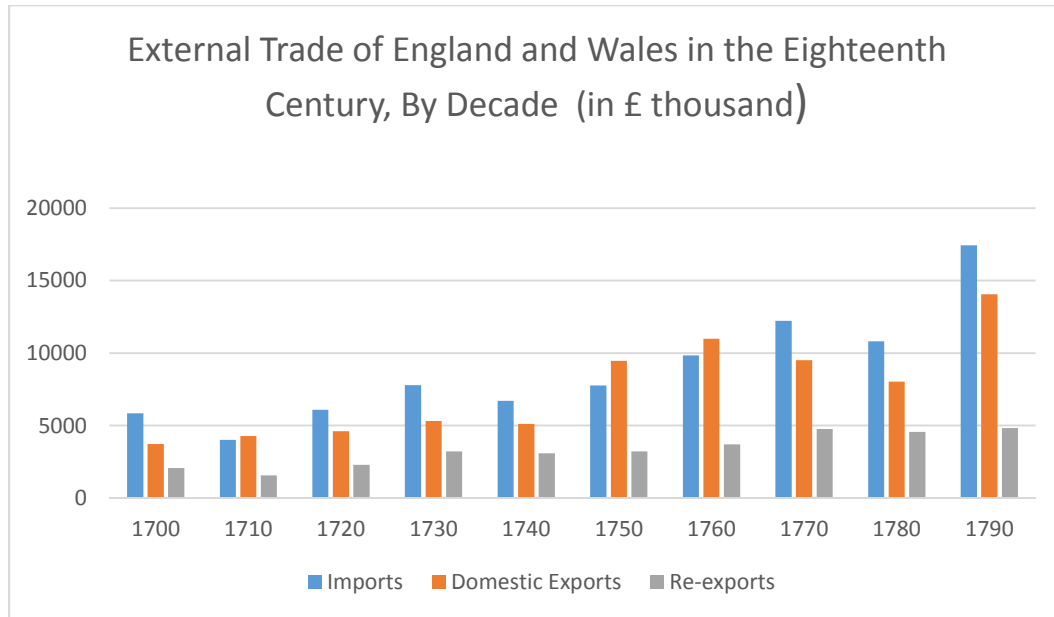
<sup>675</sup> See Campbell and Skinner, *Adam Smith*, 145-50.

<sup>676</sup> Davis, “Rise of Protection,” 314.

<sup>677</sup> Davis, “Rise of Protection,” 314. Davis does notes that duties were reduced on some raw materials like raw silk and beaver skins.

<sup>678</sup> This section’s analysis of British free trade will rely on the following sources: Thomas and D.N. McCloskey, “Overseas trade and empire,” in Floud and McCloskey, *The Economic History of Britain since 1700*, vol. I, 87-102; Davis, “Rise of Protection,” 306-17; Mokyr, *Enlightened Economy*, 145-170; and H.F. Kearney, “The

Table 5.1 External Trade of England and Wales in the Eighteenth Century, By Decade



Source: Mitchell (1988)

Imports increased over 523 percent from 1700 to 1800. Exports grew 586 percent, and re-exports traded to finance the imports swelled 906 percent.<sup>679</sup> Because the population did not grow nearly as fast, even though it did expand, foreign trade was an increasingly significant factor in contributing to people's incomes on a per capita basis. As R.P Thomas and D.N. McCloskey write, "There is little doubt that foreign commerce over the century became a more important component of national income."<sup>680</sup>

There was also a relative decline in English imports that came from Europe. At the beginning of the 1700s, sixty-percent of imports started in Europe, but this figure

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Political Background to English Mercantilism, 1695-1700," *The Economic History Review* 11 (1959): 484-96.

<sup>679</sup> Thomas and McCloskey, "Overseas trade and empire," in Floud and McCloskey, *Economic History of Britain since 1700*, 88-89.

<sup>680</sup> Thomas and McCloskey, "Overseas trade and empire," in Floud and McCloskey, *Economic History of Britain since 1700*, 89.

plummeted to twenty-nine percent by the end of the century. Domestic exports to Europe dropped as well, although the percentage of re-exports to the continent remained almost the same.<sup>681</sup>

One principal explanation for this steep decline was the emergence of British colonial possessions in North America and the West Indies as reservoirs of trade. They were responsible for twenty percent of English imports in 1700-01. This number grew to thirty-two percent by the end of the century. The proportion of English exports to North American and West Indian possessions spiked from eleven percent at the beginning of the century to fifty-seven percent near its end.<sup>682</sup> This evidence demonstrates that British merchants increasingly shifted their eyes from European markets to Atlantic and Caribbean colonial ports as the eighteenth century progressed.

The important factor to remember about such trading activity, however, is that it occurred under the purview of the British Empire, which possessed its own geopolitical aims beyond the enhancement of commercial prosperity. There was never, strictly speaking, complete *laissez faire* trade for English merchants in the eighteenth century. As mentioned, protectionism policies grew in the 1760s and 1770s. There was no inevitable shift in public opinion supporting the abolition of foreign commercial regulations when Burke entered Parliament in 1766.

Britain's approach to trade influenced the empire's political relationship with its North American colonies in the latter half of the eighteenth century. The immediate political circumstances during the time Burke entered Parliament in 1766 were some of the

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<sup>681</sup> Thomas and McCloskey, "Overseas trade and empire," Floud and McCloskey, *Economic History of Britain since 1700*, 90-91.

<sup>682</sup> Thomas and McCloskey, "Overseas trade and empire," in Floud and McCloskey, *Economic History of Britain since 1700*, 91.

momentous of his career, and some of the most defining in the histories of Great Britain and the United States.<sup>683</sup> From the view of colonists in British North America, the British Empire became increasingly oppressive over the colonies, shoving political and tax mandates down their throats without seeking the counsel of the Americans. Britain at this point was saddled with excessive national debt from the Seven Years War and the encumbrances of maintaining a standing army in America. The British Empire saw the colonies as a source to raise revenue for the costs of preserving its empire, which in turn would subordinate colonial commerce to British national interests. The British impetus to extract money from the colonies was even greater at this point because the empire struggled to enforce existing trade restrictions on the colonies in the first half of the eighteenth century, leading to a burst of illicit colonial trade.<sup>684</sup>

Lord Grenville's political and economic program sought to reassert the strength of the British Empire to meet these financial burdens. The Sugar Act of 1764 set heavy duties on molasses, signaling an attempt by the British to enforce the Molasses Act of 1733, which was going to expire in 1763. Duties were also imposed on imported goods such as wine, coffee, and linen. Grenville's Stamp Act passed on March 1765 and imposed taxes on official paper documents circulated in the colonies, including newspapers and legal writings.

The Stamp Act was the first internal direct tax on colonists, since the other Grenvillian taxes consisted of restrictions on trade goods. It was the spark for colonial protests, boycotts against British products, and intimidation tactics against stamp collectors.

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<sup>683</sup> For the political relationship between the British Empire and the American colonies, see, among many sources, Cone, *Age of American Revolution*, 252-303; and Bourke, *Empire & Revolution*, 280-326, 448-515.

<sup>684</sup> See Thomas C. Barrow, "Background to the Grenville Program, 1757-1763," *The William and Mary Quarterly* 22 (1965): 93-104.

Furthermore, the Stamp Act triggered a debate over whether Britain held the authority to tax the colonists without their consent. The colonists argued that only their representative assemblies were vested with the legitimate power to tax the people.<sup>685</sup>

The Townshend Acts were first implemented in 1767 and set import duties on more goods, such as tea, paper, and glass, in order to obtain additional revenue from colonists for Britain's imperial commitments in America. Colonists reacted with rage, further illustrating their growing suspicions that Britain was intent on abusing its political power. All Townshend duties on goods except for tea were repealed in 1770, which created a *de facto* truce between the two powers until 1772. The Tea Act of 1773 followed, then the Boston Tea Party uprising, and then the Intolerable Acts of 1774 to punish Tea Party participants. America's Second Continental Congress voted to declare independence on July 2, 1776, and formally ratified the Declaration of Independence's text on July 4.

What was the significance of these events in regard to Burke? First, questions of political economy—the right to tax, the benefits and drawbacks of commercial restrictions, the relationship between regulations and commerce, and the impact of regulations on people—were all of central importance in the political struggle between Britain and America. Second, they spotlighted the fundamental concern of how Britain could preserve the vitality of its empire while cooling the political opposition of colonial subjects, an issue that became immediately relevant for Britain's relationship with Ireland as well. Third, these events drew attention to the question of whether commercial regulations enhanced or diluted social connections between two peoples.

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<sup>685</sup> A related debate concerned the distinction, if any, between “internal” versus “external” taxation. See Helen Henry Hodge, “The Repeal of the Stamp Act,” *Political Science Quarterly* 19 (1904): 252-76.

Burke's principal belief concerning the American question was that the political authority of the British Empire over the colonies was legitimate. But Burke also maintained that the British government should relax its regulatory control over the Americans in order to placate their fractious tendencies and respect their thirst for liberty. This is why Burke and the Rockingham Whigs pushed forth the repeal of the Stamp Act and the passage of the Declaratory Act, or the American Colonies Act, of 1766. The Declaratory Act reasserted Britain's power to tax the colonies "in all cases whatsoever,"<sup>686</sup> but it was more a symbolic law than a specific policy prescription. Burke thought this Act would reinforce the authority of Westminster while also respecting colonists' instinct for freedom and their desire to control matters of internal taxation. This careful balance would, ostensibly, permit the colonies to govern themselves in practice while preserving the integrity of the British Empire.

### c. The Free Port Act of 1766

Burke championed commercial liberty in Parliament decades before he drafted *Thoughts and Details*, as evidenced by his resolute support for three chief pieces of legislation: 1) the Free Port Act of 1766; 2) the 1772 act repealing bans on forestalling, regrating, and engrossing; and 3) Irish trade bills in 1778. When examining this information, one must keep in mind that Burke, even more so than in *Thoughts and Details*, is acting not simply as a philosopher but as a practicing statesman who faced particular political problems, circumstances, and constituencies. These details will be summarized throughout the chapter in order to paint a richer historical context for Burke's thoughts on commercial liberty.

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<sup>686</sup> See Burke's notes for his "Speech on Declaratory Resolution" in which he sketches this argument in Langford, *Writings and Speeches*, II, 45-51.

One of Burke's first major legislative initiatives in Parliament, carried out in the first session he sat in the body in 1766, was to play a leading role in the Rockingham ministry's attempt to revise Britain's imperial system of commercial regulations in favor of freer<sup>687</sup> trade. (This was the bill Burke had referred to thirty years later, when he wrote in *Letter to a Noble Lord* that he had analyzed the "whole commercial, financial, constitutional, and foreign interests of Great Britain and its empire" in his first session in Parliament."<sup>688</sup>) The prevailing commercial system, implemented under the administration of Lord Grenville in the mid-1760s, had imposed mercantilist-leaning trade restrictions against European traders in the British West Indies and North America. Through the Sugar Act and Stamp Act, the Grenvillian commercial regulations limited foreign imports and European rights of commercial navigation. The laws also aimed to preserve West Indian monopolies and narrowly confine trade ports. In carrying out his policies, Grenville claimed he was merely making an effort to extinguish illicit trade in the West Indies.<sup>689</sup> While the Acts certainly injured colonial trade, it is unclear whether the policies can be indicted as the principal source of American commercial decay in 1765 and 1766.<sup>690</sup>

The Rockingham ministry of 1765-66, of which Burke was a rising star, desired to reform this regulatory framework. In private, in fact, Burke conveyed a desire to go beyond incremental proposals for change: "We are, it is true, demolishing the whole Grenvillian

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<sup>687</sup> Burke never advocates for the immediate and complete abolition of all commercial regulations, which is why this chapter will sometimes use the phrase "freer trade" instead of "free trade."

<sup>688</sup> Langford, *Writings and Speeches*, IX, 159. Also see "Introduction," Chapter 3.

<sup>689</sup> See Paul Langford, *The First Rockingham Administration 1765-1766* (London: Oxford University Press, 1973), 113; and Allan Christelow, "Contraband Trade between Jamaica and the Spanish Main, and the Three Port Act of 1766," *The Hispanic American Historical Review* 22 (1942): 335.

<sup>690</sup> See Langford, *First Rockingham Administration*, 186-88.



Fabrick<sup>691</sup> of unnecessary mercantile restrictions, he admitted to his Irish friend and correspondent Charles O'Hara in late April 1766. The Rockinghamites first repealed the Stamp Act<sup>692</sup> and passed the Declaratory Act, both receiving royal assent on 18 March 1766. Yet the culminating ornament of the ministry's trade efforts in the session was the Free Port Act, passed on 6 June 1766. The Act established four free ports in Jamaica: Kingston, Savannah la Mar, Montego Bay, and Santa Lucea. Two free ports were opened in Dominica, in Prince Rupert's Bay and Roseau. The legislation relaxed particular trade regulations between British colonial posts, including North American colonies, and the West Indies, including Spanish and French colonies.<sup>693</sup>

The Act was not a flawless act of statesmanship, nor did it contain wholly original ideas.<sup>694</sup> It was a compromise measure and passed hastily without rigorous deliberation. Rockingham lawmakers sacrificed some legislative independence by permitting merchants to heavily influence the crafting of the bills, particularly early on in the process.<sup>695</sup> Paul Langford writes, "[A]t no time in the eighteenth century were Administration and Parliament more at the command of the commercial interests than in the spring of 1766."<sup>696</sup> More so,

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<sup>691</sup> Burke to Charles O'Hara, 23, 24 [April 1766], in *The Correspondence of Edmund Burke*, vol. I, *April 1744–June 1768*, ed. Thomas W. Copeland (Cambridge: Cambridge University Press, 1958), 252.

<sup>692</sup> Two of Burke's speeches in favor of repealing the Stamp Act "filled the town with wonder," according to Samuel Johnson. There are scant parliamentary records of these speeches, however. See the introductory remarks before Richard Burke, Sr.'s letter to James Barry, 11 February 1766, in *Correspondence of Edmund Burke*, I, 237.

<sup>693</sup> See Frances Armytage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822* (London: Longmans, Green and Co., 1953). Also see Bourke, *Empire & Revolution*, 309-14.

<sup>694</sup> See Armytage, *Free Port System*, 36.

<sup>695</sup> Grenville noted the "overbearing and delegation of administration to a Club of North America merchants at the King's Arms Tavern." See L. Stuart Sutherland, "Edmund Burke and the First Rockingham Ministry," *The English Historical Review* 47 (1932): 66.

<sup>696</sup> Langford, *First Rockingham Administration*, 200.

the Free Port Act did not promote a pure *laissez faire* trade policy, due in no small part to the influence of West Indian traders seeking to retain their trading advantages and monopolies.<sup>697</sup> The legislation prohibited particular foreign imports in Jamaica of goods that were produced on the island, including sugar, molasses, and tobacco.<sup>698</sup> These regulations and other customs duties prevented the Act from fully bursting the monopoly of British West Indian planters. Other weaknesses plagued the effectiveness of the Act: it was not able to stem the flow of all smuggled goods; evidence is inconclusive concerning whether the free ports were commercial successes<sup>699</sup>; and the restoration of Spanish trade did not take place as vibrantly as many had hoped.<sup>700</sup>

But the Free Port Act did signify firm movement in the direction of freer commercial intercourse by the very fact that it established six new free trade ports. This breakthrough carried special meaning since the conventional pattern of the British government at the time was to preserve its West Indian monopolies in order to fortify the scope of its imperial system of commerce. The Rockinghamites also provided a jolt of support to traders in North American colonies who had been calling to invigorate trade relations with West Indies merchants.<sup>701</sup> The Act furnished to the American traders the gift of inexpensive sugar imports. Foreign bottoms with a maximum of one deck traveling from the American colonies could trade all goods of non-British origin, besides tobacco, with merchants in Dominica.<sup>702</sup> Duties were relatively low. Spanish vessels could trade in the

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<sup>697</sup> See Langford, *First Rockingham Administration*, 205.

<sup>698</sup> Armytage, *Free Port System*, 42.

<sup>699</sup> Langford, *First Rockingham Administration*, 206-07.

<sup>700</sup> Christelow, "Contraband Trade," 339.

<sup>701</sup> See Bourke, *Empire & Revolution*, 310.

<sup>702</sup> Christelow, "Contraband Trade," 338.

British West Indies if they paid for goods with bullion or with commodities that maintained the particular monopolies of British traders.<sup>703</sup>

While not all the demands of merchants were satisfied, then, the Act did fulfill some of them. As the London North American Merchants stated at the time, “We consider [the commercial reforms] as the basis of an extensive System of Trade between Great Britain and her Colonies framed on liberal principles of reciprocal Advantage...”<sup>704</sup> Business historian Nancy F. Koehn describes the legislation in a similar way: “Some ten years before Adam Smith would take the doctrines of mercantilism to task and half a century before David Ricardo would articulate the theory of comparative advantage, MPs decided that the prosperity of the imperial economy was best promoted by *not* regulating all aspects of colonial exchange.”<sup>705</sup> The free port system endured until 1822.<sup>706</sup>

Burke, along with MP Charles Townshend and William Dowdeswell, Chancellor of the Exchequer at the time, were the driving forces behind the Act.<sup>707</sup> At the time, Burke represented Wendover, a small, calm town<sup>708</sup> in contrast to the bustling commercial hub of Bristol, the city he would later represent from 1774 to 1780. In the spring of 1766, Burke engineered the Rockinghamite effort in studying the nuts and bolts of British imperial commerce and their implications for Britain’s national interest, enough so that by the end of the legislative process his reputation switched from being Rockingham’s “Right hand” man to being “both his hands.”<sup>709</sup> Burke admitted thirty years later, in *Letter to a Noble Lord*, that

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<sup>703</sup> Lock, *Edmund Burke*, vol. I, 223.

<sup>704</sup> Quoted in Langford, *First Rockingham Administration*, 206.

<sup>705</sup> Koehn, *Power of Commerce*, 199.

<sup>706</sup> See Armytage, *Free Port System*, 36-44.

<sup>707</sup> See Armytage, *Free Port System*, 40.

<sup>708</sup> See Lock, *Edmund Burke*, vol. I, 215.

<sup>709</sup> Bourke, *Empire & Revolution*, 310.

his strenuous efforts pushing the bill threatened his physical condition. “Then in the vigour of my manhood, my constitution sunk under my labour,” he wrote.<sup>710</sup> Burke claimed he thought he was “very near death.”<sup>711</sup> (Remember also that Burke and Rockingham Whigs at this time were laying the groundwork for the repeal of the Stamp Act and passage of the Declaratory Act, both of which occurred on 18 March.) Burke admitted that he enjoyed the research and discussion over the trade provisions more so than the Stamp Act. “[I]t is a business I like...” he wrote to O’Hara in early March 1766.<sup>712</sup>

There is evidence that Burke devoted himself to the study of commercial trade even before he took his seat in Parliament in 1766. Burke, serving as the private secretary to Rockingham, who was also the First Lord of the Treasury, received remuneration from Rockingham “for obtaining various Informations and Materials relative to the Trades and Manufacturers,” according to a note dated 25 November 1765 from one of Rockingham’s personal notebooks.<sup>713</sup> An additional entry, dated 19 April 1766, reveals that Burke was paid “for obtaining various informations and materials to Trade &c.”<sup>714</sup> That this note was posted in late April, soon before the Free Port Act was passed into law, reinforces contemporaneous accounts from Burke and others that he immersed himself in studying issues of West Indian commerce and in helping draft the bill.

Other flashes of evidence signal Burke’s activity in receiving petitions, consulting merchants, and preparing arguments for the Rockingham ministry’s attempt to repeal the Stamp Act. In late 1765 and early 1766, British merchants were amplifying their opposition

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<sup>710</sup> Langford, *Writings and Speeches*, IX, 159.

<sup>711</sup> Langford, *Writings and Speeches*, IX, 159.

<sup>712</sup> Burke to Charles O’Hara, I, 4 March 1766, in *Correspondence of Edmund Burke*, I, 240.

<sup>713</sup> *Correspondence of Edmund Burke*, I, 211n1.

<sup>714</sup> *Correspondence of Edmund Burke*, I, 211n1.

to the Stamp Act because, in their view, it hurt commercial trade. Burke was attentive to these concerns. He received a letter from prominent Glasgow merchant Archibald Henderson, who enclosed in the document a copy of a memorial from Glasgow merchants revealing “the alarming situation they are reduced to, in consequence of the Stamp-act.”<sup>715</sup> As Henderson wrote, “...the merchants of Glasgow do not exceed the bounds of truth, when they assert the debts due to them, from those provinces [of Virginia and Maryland] alone, to be above half a million sterling.”<sup>716</sup> Burke held a breakfast meeting with a group of Glasgow merchants to discuss the Act’s impact on trade.<sup>717</sup> Burke received a letter from Abraham Rawlinson, a merchant of Lancaster, and seventy other traders to thank Burke for the “great Attention” he gave to “the Commercial Int’rest of Great Britain and her Colonies, during the last long & laborious Session of Parliament.”<sup>718</sup> This evidence is more proof of Burke’s active engagement with commercial matters early in his parliamentary career. It also augments the notion that Burke acquired a well-earned reputation in Parliament for being an authority on the subject of political economy.

Burke grasped that the aspirations of the Rockinghams in reforming the Navigations Acts exceeded the pursuit of piecemeal measures. In his letter to O’Hara in early March 1766, a week before the North American and West Indian interests settled on a tentative agreement over the trade provisions,<sup>719</sup> Burke remarked, “We now prepare for a complete revision of all the Commercial Laws, which regard our own or the foreign Plantations, from

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<sup>715</sup> Fitzwilliam and Bourke, *Correspondence of the Right Honourable Edmund Burke*, 99. See also Lock, *Edmund Burke*, vol. I, 216-17.

<sup>716</sup> Mr. Archibald Henderson to Edmund Burke, 9 February 1766, in 100.

<sup>717</sup> Burke to the Marquess of Rockingham, [January 1766], in *Correspondence of Edmund Burke*, I, 235.

<sup>718</sup> Lock, *Edmund Burke*, vol. I, 217.

<sup>719</sup> Armytage, *Free Port System*, 39.

the Act of Navigation downwards...”<sup>720</sup> In *Short Account of a Late Short Administration*, Burke made the claim that the Rockingham ministry was the first administration to actively consult and act upon the wisdom of merchants when deliberating free trade provisions.<sup>721</sup>

*Short Account*, while sanitized from the abusive rhetoric that characterized political journalism in Burke’s day,<sup>722</sup> was not a meditation on philosophy but a tract intended to defend the Rockingham ministry’s political achievements. Hence Burke may have exaggerated when he insisted that the Rockingham ministry was the *first* administration to consult merchants. Still, the ministry’s commitment to organizing meetings of merchants to seek out their opinions on trade was a novel way to develop commercial policy at the time. The impact of mercantile influence in shaping the drafting of the bill was undeniably strong, and opponents of the Rockinghamite initiative actually agreed with Burke’s point about the ministry’s outreach to merchants.<sup>723</sup> Burke wrote of the Free Port Act in *Short Account*, “The trade of *America* was set free from injudicious and ruinous Impositions—Its Revenue was improved, and settled upon a rational Foundation—Its Commerce extended with foreign Countries; while all the Advantages were secured to Great Britain.”<sup>724</sup> Fifteen years after the passage of the Free Port Act, Burke would say, in *Speech on St Eustatius*, that the British had “thrown open Dominica upon the same principle [of free trade].”<sup>725</sup>

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<sup>720</sup> Burke to Charles O’Hara, I, 4 March 1766, in *Correspondence of Edmund Burke*, I, 239-40.

<sup>721</sup> See Langford, *Writings and Speeches*, II, 55.

<sup>722</sup> See Langford, *Writings and Speeches*, II, 54.

<sup>723</sup> See Armytage, *Free Port System*, 28-29.

<sup>724</sup> Langford, *Writings and Speeches*, II, 55. Burke also listed other achievements of the Rockingham administration in *Short Account*. He included the Stamp Act and Declaratory Act but also the repeal of the cider tax, an effort led by Dowdeswell. See Langford, *First Rockingham Administration*, 214.

<sup>725</sup> Langford, *Writings and Speeches*, IV, 82.

Burke described the commercial relations between West Indian traders, who traditionally opposed foreign competition, and North American merchants, who favored free trade with foreign sugar colonies, this way:

...[T]he Interests of our Northern and Southern Colonies, before that Time jarring and dissonant, were understood, compared, adjusted, and perfectly reconciled. The Passions and Animosities of the Colonies, by judicious and lenient Measures, were allayed and composed, and the Foundation laid for a lasting Agreement amongst them.<sup>726</sup>

Burke was stretching the truth when he wrote the traders' respective interests were "perfectly reconciled,"<sup>727</sup> since the legislation did not produce the vigorous commercial activity for which its backers had wished.

But the first and last parts of his statement did touch the truth. Both the West Indian and North American interests were represented fairly and prominently during the drafting of the bill in the House of Commons and in merchants' meetings.<sup>728</sup> More significant is that Burke's remarks here present a dimension of his economic thought that would attain greater prominence in his commentary on the Irish trade bills: the relaxation of commercial barriers and the enhancement of trading activity could soothe political relations between antagonistic communities. Being that *Short Account* was a political tract, however, Burke does not elaborate on the philosophical implications of this insight.

If the Free Port Act did not end all trade regulations, and if it did introduce others to placate the interests of West Indian traders, do these realities mean that Burke held mercantilist leanings at this early point in his parliamentary career? Does the limited nature of the legislation hint that he possessed a neutral, moderate attitude toward commercial

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<sup>726</sup> Langford, *Writings and Speeches*, II, 55.

<sup>727</sup> Langford, *Writings and Speeches*, II, 55.

<sup>728</sup> See Armytage, *Free Port System*, 38-39.

trade? The personal views of Burke strongly suggest otherwise. In his letter to O'Hara, Burke indicates that negotiations over the bill could have gone further by including Ireland in the free trade pacts. "Could not Ireland be somehow *hooked* into this System?" he asks hypothetically.<sup>729</sup> Burke admitted later that month, in another letter to O'Hara, that Anglo-Irish commercial relations would need to be addressed as a separate question. "The Irish affairs are a System by themselves, and will I hope one day or another undergo a thorough scrutiny..." he writes.<sup>730</sup> These comments presage Burke's actions in the late 1770s on the question of Irish trade.

Furthermore, Burke's correspondence to O'Hara in late March 1766 reveals that Burke wished the bill had done more to encourage freer trade, further illustrating that he did not hold mercantilist views at this juncture. At the same time, Burke demonstrated an awareness that contemporary political circumstances had tempered movement toward this goal. In a letter on 27 March, Burke rejects O'Hara's proposals to soften trade restrictions on camblets, a woven fabric, and cotton because they "cross British manufactures, at least in prejudice and things are not ripe for it."<sup>731</sup> Burke was acutely conscious of the political might of British merchants who harbored protectionist inclinations and, therefore, opposed efforts to relax the tightness of commercial regulations. Two days later, Burke told O'Hara that while he had given serious consideration to O'Hara's trade reform proposals, he thought "every one of them impracticable; because they all stand directly in the way of some predominant prejudice, and some real interest or supposed, of this Country..."<sup>732</sup> Burke

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<sup>729</sup> Burke to Charles O'Hara, I, 4 March 1766, in *Correspondence of Edmund Burke*, I, 240.

<sup>730</sup> Burke to Charles O'Hara, 29 March 1766, in *Correspondence of Edmund Burke*, I, 247.

<sup>731</sup> Burke to Charles O'Hara, 27 March 1766, in *Correspondence of Edmund Burke*, I, 246.

<sup>732</sup> Burke to Charles O'Hara, 29 March 1766, in *Correspondence of Edmund Burke*, I, 247.



continued that those ideas “require time and leisure to make their way by the slow progression of reason into the minds of people here, who just now seem shut against them.”<sup>733</sup> Burke is associating support for protectionism with the rejection of reason.

Burke’s regret over the limited nature of commercial reform in 1766 explains why he targeted his ire toward the watered-down bill in late April 1766, a few weeks before the Free Port Act was formally introduced in the House on May 15. The bill became “half a measure; the most odious thing, I am sure to my Temper and opinions that can be conceived,” Burke writes in another letter to O’Hara.<sup>734</sup> He continues: “However, even this miserable remnant is better than nothing.”<sup>735</sup> Burke’s impatience with the sentiment of unwavering protectionism from merchants reached a pitch with Prime Minister William Pitt the Elder,<sup>736</sup> who originally opposed the idea to liberate trade from mercantilist regulations. As Burke writes in the same letter:

I went down to Hayes with a very respectable Merchant of Lancaster, to talk to [Pitt], if possible, out of his peevish and perverse opposition to so salutary and unexceptionable a measure. But on this point, I found so great a man utterly unprovided with any better arms than a few rusty prejudices. So we returned as we went, after some hours [of] fruitless conference.<sup>737</sup>

Burke reinforces this mix of frustration and regret thirty years later in *Letter to a Noble Lord*, when he indicates he would have pushed for further pro-free trade reform if not for extenuating political conditions. After stating that he analyzed the “whole commercial, financial, constitutional and foreign interests” as quoted above in this section, he continues

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<sup>733</sup> Burke to Charles O’Hara, 29 March 1766, in *Correspondence of Edmund Burke*, I, 247.

<sup>734</sup> Burke to Charles O’Hara, 23 April 1766, in *Correspondence of Edmund Burke*, I, 251.

<sup>735</sup> Burke to Charles O’Hara, 23 April 1766, in *Correspondence of Edmund Burke*, I, 251.

<sup>736</sup> Pitt the Elder, 1<sup>st</sup> Earl of Chatham, was also known as Lord Chatham. He was the father of William Pitt the Younger, a future prime minister and Chancellor of the Exchequer to whom Burke would send *Thoughts and Details*.

<sup>737</sup> Burke to Charles O’Hara, 23 April 1766, in *Correspondence of Edmund Burke*, I, 251-52.

by asserting, in regard to the Act, “A great deal was then done; and more, far more would have been done, if more had been permitted by events.”<sup>738</sup> In addition, Burke’s outreach to the merchants strengthens his previous claim about the Rockingham ministry’s efforts to seek the advice of traders when drafting the bill. It exhibits Burke’s practical and immediate engagement with questions of commerce in his parliamentary career, and underscores the tension he faced in balancing his personal policy convictions with public opinion.

What is the larger importance of Burke’s activity in helping pass the Free Port Act? Burke was an indispensable engine behind the Rockingham administration’s attempt to loosen the rigid system of imperial protectionism that had defined the British Empire’s commercial policy starting in the late seventeenth century. The substance of the Act was limited; the symbolic meaning of the bill, however, was significant, for it laid dents into the mercantilist steel of the Navigation Acts. As Paul Langford writes, “In the last analysis [the commercial reforms] represented the first significant attempt to launch an experiment in free trade and a portentous, if small, breach in the old imperial system.”<sup>739</sup> The Free Port Act also foreshadowed Burke’s economic attitude toward the Americans: Britain possessed the imperial right to rule over the colonies, but it should relieve them of any burdensome taxing schemes, advance their commercial development, and reap the overall benefits of such an economically vibrant relationship.

Burke’s activity in support of the Free Port Act helps us understand the growth of his economic thought throughout his life. Burke’s leading role in the Rockingham ministry’s push for the legislation illuminates his strong endorsement for liberal trade *early* in his political career. Burke did not defend the orthodoxy of mercantilism in the 1760s, as Stevens

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<sup>738</sup> Langford, *Writings and Speeches*, IX, 159.

<sup>739</sup> Langford, *First Rockingham Administration*, 207.

and Cone suggest. He supported the principle of free trade the moment he entered the House of Commons, and, as discussed, was sympathetic to the idea even before beginning his parliamentary service.

Burke was aware that existing political realities under the Rockingham administration prevented further progress in favor of liberal commercial relations.<sup>740</sup> Thus, in addition to being a reflection of his pro-free trade sentiments, Burke's labor in advancing the Free Port Act is an early display of his political philosophy of prudence. This prudence was marked by an attempt to move toward the realization of a principle and accept, however begrudgingly, the policy results as far as existing political circumstances would allow. Therefore, a distinction must be made: Burke demonstrated prudence in his Free Port activities not because his final goal was free trade moderation, but because he was forced to tolerate, at least temporarily, particular political opposition that supported protectionism.

Finally, although there is limited historical evidence of Burke's *theoretical* commentary about the Free Port Act, Burke's comments in *Short Account* about reconciling competing trading interests was a prophetic expression of his belief that commercial relations could transform perceived enemies into real friends. Free trade, in other words, could benefit more than one person or country. This insight was famously propounded by Adam Smith in

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<sup>740</sup> Burke's description in *Short Account* of the free ports' benefits illustrate his political attempt to assuage the British merchants and persuade them that the new commercial laws advanced their trading interests. "Materials were provided and insured to our Manufactures—The Sale of these Manufactures was increased—The *African* Trade preserved and extended—The Principles of the Act of Navigation pursue, and the Plan improved—And the Trade for Bullion rendered free, secure, and permanent," Burke wrote. Remember that Burke penned *Short Account* to extol—and possibly exaggerate—the accomplishments of the Rockingham administration, and is not a statement of deep philosophic substance. See Langford, *Writings and Speeches*, IX, 55. Burke's thoughts on the "African trade"—i.e. the slave trade—will be addressed in Chapter 9.

*Wealth of Nations*—a book published a decade after Burke spearheaded legislative efforts to enact the Free Port Act.

#### **d. The 1772 Repeal of Statutes Banning Forestalling, Regrating, and Engrossing**

Before addressing Burke's deeper philosophic reflections on free trade, there is another instance in which Burke's thought and action as a legislator announced his strong support for the free movement of commerce years before he wrote *Thoughts and Details*. Like *Thoughts and Details*, Burke's efforts in this particular case are concerned with domestic trading practices—in particular, the middlemen activities of forestalling, regrating, and engrossing. As discussed in Chapter 5, rising provisions costs in the eighteenth century were met with public suspicions that middlemen drove up prices through these unscrupulous dealing practices. Recall that forestalling, regrating, and engrossing were traditionally illegal under English statutory law, and enforced to varying degrees in different eras, particularly when food prices became high.<sup>741</sup>

In one of the more overlooked aspects of his parliamentary career, Burke orchestrated efforts in Parliament in 1772 to repeal statutes that proscribed these trading activities. Or, at least Burke took credit in playing a leading role: in his letter to Arthur Young in late May 1797, two months before Burke passed away, he contended that he had pushed for this repeal “of the absurd code of Statutes against the most useful of all trades, under the invidious names of forstalling and regrating.”<sup>742</sup> In the letter, Burke stresses his

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<sup>741</sup> See William L. Letwin, “The English Common Law Concerning Monopolies,” *The University of Chicago Law Review* 21 (1954): 371.

<sup>742</sup> Edmund Burke to Arthur Young, 23 May 1797, Charles William, Earl Fitzwilliam, and Sir Richard Bourke, eds., *Correspondence of the Right Honourable Edmund Burke*;

opposition to the government regulation of provisions that he expressed in *Thoughts and Details* and in his legislative activities in 1772. “I am extremely sorry,” he writes to Young, “that any one in the House of Commons should be found so ignorant and unadvised, as to wish to revive the senseless, barbarous, and, in fact, wicked regulations made against the free-trade in matter of provision, which the good sense of late Parliaments had removed.”<sup>743</sup>

Young confirmed Burke’s claim. The statutes, said Young, “were repealed by motion of the Right Hon. Mr. Burke, so convinced was he from much evidence, that those laws had no other tendency but by restriction to *raise* instead of lowering prices; as I know from conversations which I had the honour of formerly holding with him.”<sup>744</sup> There is scant historical evidence of Burke’s speeches in support of the bill, but the law’s preamble provides a strong statement of pro-market principles that resonate with Burke’s personal support for commercial liberty:

Whereas it hath been found by experience that restraints laid by several statutes upon the dealing of corn, meal, flour, cattle, and sundry other sorts of victuals, *preventing a free trade in the said commodities*, have a tendency to discourage the growth and enhance the price of the same, which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster.<sup>745</sup>

The editors of the latest and most comprehensive volumes of Burke’s writings and speeches write that this preamble “strongly suggests” Burke’s involvement in its drafting.<sup>746</sup> Sir Gilbert

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*Between the Year 1744, and the Period of His Decease, in 1797* (London: Francis & John Rivington, 1844), 453.

<sup>743</sup> Edmund Burke to Arthur Young, 23 May 1797, Fitzwilliam and Bourke, *Correspondence of the Right Honourable Edmund Burke*, 452-53.

<sup>744</sup> Arthur Young, ed., *Annals of Agriculture and Other Useful Arts*, vol. VII (Bury St. Edmund’s: J. Rackham, 1786), 47.

<sup>745</sup> “The Policy of a Repeal of the Corn Laws,” *The British and Foreign Review; or, European Quarterly Journal* 12 (1841): 474.

<sup>746</sup> Langford, *Writings and Speeches*, IV, 241n3.

Blane, a Scottish naval surgeon<sup>747</sup> interested in political economy who was present at the House of Commons debates on the price of corn and bread,<sup>748</sup> reported that “[t]he preamble to the statute of 1772, and the speeches in the debate, particularly that of Mr. Burke, set the impolitic tendency of the ancient law in the strongest point of view.”<sup>749</sup>

Similar to his regret that the Free Port Act did not accelerate free trade policies as quickly as it could have, Burke reportedly made a comment regarding middlemen trading practices in reaction to Adam Smith that further shines light on the pressures Burke, as a legislator, faced between acting on economic principle and prudence. After Smith displayed indignation that Parliament had not immediately passed a law legalizing forestalling, following a judge’s decision that ruled against it, Burke reportedly said, “You, Dr. Smith, from your professor’s chair, may send forth theories upon freedom of commerce as if you were lecturing upon pure mathematics; but legislators must proceed by slow degrees, impeded as they are in their course by the friction of interest and the friction of prejudice.”<sup>750</sup> Prudence is required in the pursuit of policy goals.

This anecdote illuminates a compelling argument Jacob Viner has made about Burke’s possible influence on *Wealth of Nations*, and on Smith’s economic thought. Recall that Burke, in *Letter to a Noble Lord*, may have been referring to Smith when he claimed that “[g]reat and learned men” had “deigned to communicate” with Burke on matters of political

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<sup>747</sup> Mary Wharton, “Sir Gilbert Blane Bt (1749-1834),” *Annals of the Royal College of Surgeons of England* 66 (1984): 375-76.

<sup>748</sup> Sir Gilbert Blane, *Inquiry into the Causes and Remedies of the Late and Present Scarcity and High Price of Provisions*, 2<sup>nd</sup> ed. (London, 1817), 259.

<sup>749</sup> Blane, *Inquiry into the Causes and Remedies*, 286.

<sup>750</sup> T.C. Hansard, ed., *Cobbett’s Parliamentary Debates*, vol. I (London: T.C. Hansard, 1820), 550. For a similar retelling of this anecdote, see Andrew Kippis, ed., *The New Annual Register, For the Year 1820* (London: Thomas McLean, 1821), 96; and *The Pamphleteer; Respectfully Dedicated to Both Houses of Parliament*, vol. VXII (London: A.J. Valpy, 1820), 537.

economy.”<sup>751</sup> Then consider: in 1773, Burke helped shepherd a bill through the House of Commons that reformed, but still retained, Britain’s program for bounties on grain exports. Burke and Smith most likely met for the first time in 1777. In the 1778 edition of *Wealth of Nations*, Smith inserted the following remarks about the legislation, with reference to the distinguished Athenian lawgiver Solon:

So far, therefore, this law seems to be inferior to the antient system. With all its imperfections, however, we may perhaps say of it what was said of the laws of Solon, that, though not the best in itself, it is the best which the interests, prejudices, and temper of the times would admit of. It may perhaps in due time prepare the way for a better.<sup>752</sup>

These comments possibly reflect a conversation Smith had with Burke, after the initial publication of *Wealth of Nations* in 1776, about the prudence in relaxing trade restrictions in an incremental fashion rather than all at once. Such speculation is further fueled by an anecdote that was conveyed by Scottish statesman and thinker Francis Horner in 1804. Horner wrote that Burke, in response to Smith’s admonition that the bounty law had not been fully repealed, told Smith that “it was the privilege of philosophers to conceive their diagrams in geometrical accuracy; but the engineer must often impair the symmetry, as well as simplicity of his machine, in order to overcome the irregularities of friction and resistance.”<sup>753</sup>

This story may have been the source for the anecdote above illuminating Burke’s caution to Smith about the “friction of prejudice.” (The two anecdotes address two different pieces of legislation.) What is more interesting is that Smith added in a Part VI to the sixth edition of *Theory of Moral Sentiments*,<sup>754</sup> published soon before Smith passed away in 1790, that

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<sup>751</sup> Langford, *Writings and Speeches*, IX, 160.

<sup>752</sup> Smith, *Wealth of Nations*, vol. I, 542-543.

<sup>753</sup> Viner, “Guide to John Rae’s *Life of Adam Smith*,” 26-27, in Rae, *Life of Adam Smith*.

<sup>754</sup> “Introduction,” 44, in Smith, *Theory of Moral Sentiments*.

also references Solon in the context of prudence, though not necessarily in specific regard to political economy. "...[L]ike Solon, when [the statesman] cannot establish the best system of laws, he will endeavour to establish the best that the people can bear," he wrote.<sup>755</sup> Smith also highlighted the importance of moderation when he called for the incremental reform, rather than immediate abolition, of colonial trade regulations in *Wealth of Nations*.<sup>756</sup>

The broader point is that Burke and Smith attempted to navigate the tensions between pursuing one's economic principles and understanding existing prejudices that favored trade regulations. The two thinkers generally held the belief that most commercial restrictions were unnecessary, hampered growth, and fomented social strife rather than harmony. Because he was a legislator, Burke was more attentive to the weight of political realities when striving to carry out desirable economic policies, while Smith provided a larger theoretical blueprint for an ideal environment of commercial liberty.

We return to Burke's 1772 repeal of the statutory bans on middlemen trading activities. Fifteen years after the repeal, when the City of London petitioned the House of Commons to revive the prohibition against regrating and forestalling, Burke was quick to ridicule the idea.<sup>757</sup> Burke asked Paul Le Mesurier, one of the aldermen of London who supported banning the trading activities, "whether he was not aware that a free commerce was the species of commerce most likely to flourish and prosper?"<sup>758</sup> Burke's speech was a blend of substance, sarcasm, and wit. He intimated the irony in the aldermen calling

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<sup>755</sup> Smith, *Theory of Moral Sentiments*, 233.

<sup>756</sup> See Adam Smith, *Wealth of Nations*, vol. II, 606. "In what manner, therefore, the colony trade ought gradually to be opened; what are the restraints which ought first, and what are those which ought last to be taken away; or in what manner the natural system of perfect liberty and justice ought gradually to be restored, we must leave to the wisdom of future statesmen and legislators to determine."

<sup>757</sup> Langford, *Writings and Speeches*, IV, 241-43.

<sup>758</sup> Langford, *Writings and Speeches*, IV, 242.



attention to the supposed economic stresses at a time when their physical appearance appeared not to be suffering from price increases. The petition against forestalling and regrating, Burke remarked, “came from the Aldermen concerned in it after dinner, for their Petition had all the marks of plenitude and fullness about it.”<sup>759</sup> According to the contemporary report of the speech, “While they had plenty of provisions, [Burke] advised them not to want to go to loggerheads with the providers, but to let them fatten as well as themselves.”<sup>760</sup> (Burke did offer to reconsider the motion in August.<sup>761</sup>) In sum, historical evidence points toward the conclusion that Burke’s opposition to the prohibition of forestalling and regrating was informed by a belief in the free circulation of provisions.

One must not underestimate the boldness of Burke’s mission to overturn the statutes against forestalling, regrating, and engrossing. Public disapproval of forestalling was so intense in the 1760s, due to aggravated corn prices, that King George III issued a proclamation in 1766 urging his people to help enforce anti-forestalling statutes.<sup>762</sup> Petitions were consistently presented to Parliament in that decade from concerned citizens who claimed that the trading practices had increased the price of provisions.<sup>763</sup> Forestallers in

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<sup>759</sup> Langford, *Writings and Speeches*, IV, 241-42.

<sup>760</sup> Langford, *Writings and Speeches*, IV, 242.

<sup>761</sup> Langford, *Writings and Speeches*, IV, 243.

<sup>762</sup> Herbruck, “Forestalling, Regrating and Engrossing,” 382. See also William L. Letwin, “The English Common Law Concerning Monopolies,” *The University of Chicago Law Review* 21 (1954): 371. *The Annual Register*, which Burke edited in the late 1750s and early 1760s, wrote of King George’s decision: “It was apprehended that this measure would have an effect contrary to the intentions of the council, and by frightening dealers from the markets, would increase the scarcity it was designed to remedy.” See *The Annual Register, For the Year 1767*, vol. 10, 5<sup>th</sup> ed. (London: Longmans, Green, 1800), 40. These comments align smoothly with Burke’s opposition to bans against forestalling, and with his belief that such bans actually raised prices. Because Burke most likely stopped editing the journal in 1765, however, it is unclear whether Burke was responsible for these sentences.

<sup>763</sup> Herbruck, “Forestalling, Regrating and Engrossing,” 379-80.

general were so maligned in the eighteenth century that citizens offered rewards to individuals who identified them.<sup>764</sup> That such a noticeable shift in Parliament occurred is a testament to Burke's commitment to, and influence in, reducing the Britain government's regulation of these middlemen activities. As Blane noted, "So great was the impression made on the members of the legislature" by Burke's "enlightened view" of dealing that the House of Commons "refused even to take [the City of London's petition] into consideration."<sup>765</sup>

Although Burke's efforts helped nullify the *statutory* ban against forestalling, the repeals did not end the debate over whether middlemen trading practices were legal under common law. The common law case *Rex v. Rusby*, argued in 1800, was evidence of this ongoing controversy.<sup>766</sup> John Rusby was a trader at the time who had been accused of regrating thirty quarters of oats in November 1799. Lord Kenyon supported the jury's conclusion that ruled that Rusby was guilty of violating the common law prohibition of regrating. The argument from the prosecution and Kenyon dripped with emotion. Kenyon stated, "...[T]hough in an evil hour all the statutes which had been existing above a century were at one blow repealed"—ostensibly referring to the Burke-led repeal of the practices in 1772—"yet, thank God, the provisions of the common law were not destroyed."<sup>767</sup> The public was so enraged by Rusby's conduct, as conveyed in the impassioned statements from Kenyon and the jury, that a London mob destroyed his house and tried to lynch him.<sup>768</sup>

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<sup>764</sup> Herbruck, "Forestalling, Regrating and Engrossing," 365.

<sup>765</sup> Blane, *Inquiry into the Causes and Remedies*, 286.

<sup>766</sup> See discussion of this case in Barnes, *History of English Corn Laws*, 81-82; and Letwin, "English Common Law Concerning Monopolies," 355-85.

<sup>767</sup> Letwin, "English Common Law Concerning Monopolies," 372.

<sup>768</sup> Rusby ended up appealing the case. This time the court was split on whether forestalling, regrating, and engrossing were illegal under common law. See Barnes, *History of English Corn Laws*, 82.

Burke's efforts to repeal laws banning middlemen trading practices had a lasting impact, however. Following the era of Kenyon, forestalling was no longer prosecuted under common law. In 1844 Parliament repealed whatever statutes still remained that circumscribed the trading activity, and formally eliminated the common law restrictions against forestalling, regrating, and engrossing.<sup>769</sup>

Burke's quest to remove restrictions on middlemen exchange underlined his faith in the natural flow of commercial trade, particularly in the case of food provisions. In his judgment, banning forestalling, regrating, and engrossing stunted economic growth and aggravated food costs. Unfortunately, historical evidence of his substantive arguments in favor of the repeals does not remain, so one cannot assess the merits of his logic. That Burke held these convictions in the early 1770s, however, further confirms the proposition that he strongly defended market liberalism many years before *Thoughts and Details*—and with a fervency to match.

#### **e. The Irish Trade Bills**

Might Burke have supported the pro-market laws above for the purpose of political convenience rather than economic principle? Consider the Free Port Act. Without a doubt, the Rockinghamites did hold considerations other than the promotion of free trade principles. Following Grenville's attempt to enforce the mercantilist restrictions of the Navigation Acts in 1763-64, England experienced a weakened market for international trade in 1764. Even after Grenville tried to alleviate this impact by relaxing some limits on Spanish trading vessels, the mercantilist laws still restricted the importation of foreign goods. The

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<sup>769</sup> See Letwin, "English Common Law Concerning Monopolies," 372-73.

Grenville administration continued to be blamed for the feeble trade market, and so the Rockingham ministry found a political opportunity to ostracize Grenville and win over disaffected merchants.<sup>770</sup> For Burke himself, it is also quite plausible that he saw this as a personal opening early in his parliamentary career to widen his constituent base and enhance his political legitimacy. One, then, could interpret Burke's support for the Act as simply acting on behalf of the growing discontent of merchants in the service of political advancement, and not as an expression of authentic economic conviction.

Yet this narrative does not retain strength in light of Burke's later campaign to advocate free trade measures when his constituents, many of whom were also merchants, *opposed* removing protectionist regulations. From 1774 to 1780 Burke represented Bristol, a lively entrepôt inhabited by leading English merchants. The American war was being waged at the time; as a result, the commercial trade of Bristol merchants suffered, as did the Irish economy. There were growing calls from Ireland to relax commercial restrictions in order to spark their trade with Britain and her colonies. Yet the prospect of trade liberalization generated outrage from English traders, particularly Bristol merchants, who thought it would threaten their competitive advantage.

Before addressing Burke's deeper philosophical reflections on Irish trade, this section will first summarize the deep-rooted commercial tensions between Ireland and England. Their history in the seventeenth and eighteenth centuries concerning economic matters was fraught with distrust and jealousy. The Irish believed that English commercial restrictions on Irish traders hampered Ireland's potential for economic growth. Thus they desired an easing of the trade barriers between the two powers. On the other hand, English

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<sup>770</sup> See Langford's discussion of this political dynamic in *First Rockingham Administration*, 113-14.

merchants sought to build and fortify protectionist policies in order to thwart the prospect of Irish competition.

Under England's Charles II, commercial restrictions emerged that intended to harm Ireland and privilege England. The first Irish Cattle Act was passed in 1663, which imposed higher customs duties on English imports of Irish cattle between early June and late December.<sup>771</sup> The second cattle bill, passed in 1666, banned the importation of all Irish cattle in England.<sup>772</sup> These acts damaged Anglo-Irish trade,<sup>773</sup> and were not suspended until the late 1750s and repealed in 1776.<sup>774</sup> The Irish Woollen Act of 1699, passed under William III, banned the exportation of Irish woollen products to foreign ports. The law did not proscribe exports to England, yet existing duties on wool were excessively high.<sup>775</sup> One source of the political movement behind this legislation was a vocal group of merchants in Bristol<sup>776</sup>—the same city that Burke represented in 1770s, and one whose merchant constituency would object to Burke's proposals for freer trade.

In general, the composition of Parliament at the time of these economic restrictions was disproportionately represented by members from districts whose businesses manufactured wool and bred cattle.<sup>777</sup> Therefore, rather than reflecting a defined and coherent mercantilist doctrine, England's protectionist policies in this context were the

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<sup>771</sup> Carolyn A. Edie, "The Irish Cattle Bills: A Study in Restoration Politics," *Translations of the American Philosophical Society* 60 (1970): 1-66.

<sup>772</sup> Edie, "Irish Cattle Bills," 1-66.

<sup>773</sup> Louis M. Cullen, *Anglo-Irish Trade, 1660-1800* (Manchester: Manchester University Press, 1968), 36.

<sup>774</sup> Cullen, *Anglo-Irish Trade*, 4-5.

<sup>775</sup> Cullen, *Anglo-Irish Trade*, 2n1.

<sup>776</sup> Kearney, "Political Background to English Mercantilism," 484-96.

<sup>777</sup> Cullen, *Anglo-Irish Trade*, 2.

consequences of active interest groups seeking to carve out trading privileges for their particular industries.

Burke was aware of the ramifications that unfolded from these trading wars. In 1778 he remarked upon regulations set by the Irish Parliament in 1699 that established prohibitive export duties on broadcloth and new draperies made in Ireland<sup>778</sup>: "...[T]he whole Woollen Manufacture of Ireland, the most extensive and profitable of any, and the natural Staple of that Kingdom, has been in a manner so destroyed by restrictive Laws of *ours*, and (at our persuasion, and on our promises) by restrictive Laws of *their own*..."<sup>779</sup> Irish foreign trade was further hampered by heavy duties imposed by the Navigation Acts.

Ireland did receive particular advantages from the trading system. It could trade with the British colonies, even though some duties were set on different types of linens. Yet the Navigation Act of 1671 banned Ireland from directly importing items from English colonies, making the country more reliant on England to provide a supply of goods.<sup>780</sup> Hence Ireland could not import colonial products like tobacco and sugar unless it was transferred "round-about" through Britain.

The British Empire tariff system was designed to favor England. Regulatory restrictions persisted into the eighteenth century.<sup>781</sup> Even with this kind of political persecution being waged between the two countries through the medium of economic policy, the commercial relationship between Ireland and England grew closer during Burke's

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<sup>778</sup> Kearney, "Political Background to English Mercantilism," 494.

<sup>779</sup> Langford, *Writings and Speeches*, IX, 516.

<sup>780</sup> See Cullen, *Anglo-Irish Trade*, 37-38.

<sup>781</sup> See Bourke, *Empire & Revolution*, 393.

time. Irish imports from Britain increased from fifty-four percent of total imports at the beginning of the eighteenth century to over seventy-eight percent by 1800.<sup>782</sup>

Britain increasingly became the destination of Irish exports as well. “The most striking feature of Irish overseas trade in the eighteenth century is therefore the growing dependence on England,” writes Louis M. Cullen, “which provided a much bigger outlet for Irish exports than the limited markets on the European mainland.”<sup>783</sup> See Table 5.2 for the percentage of exports from Ireland that reached Great Britain from 1700 to 1800.

Table 5.2 Percentage of Exports From Ireland Traded To Great Britain, By Decade



Source: Cullen (1968)

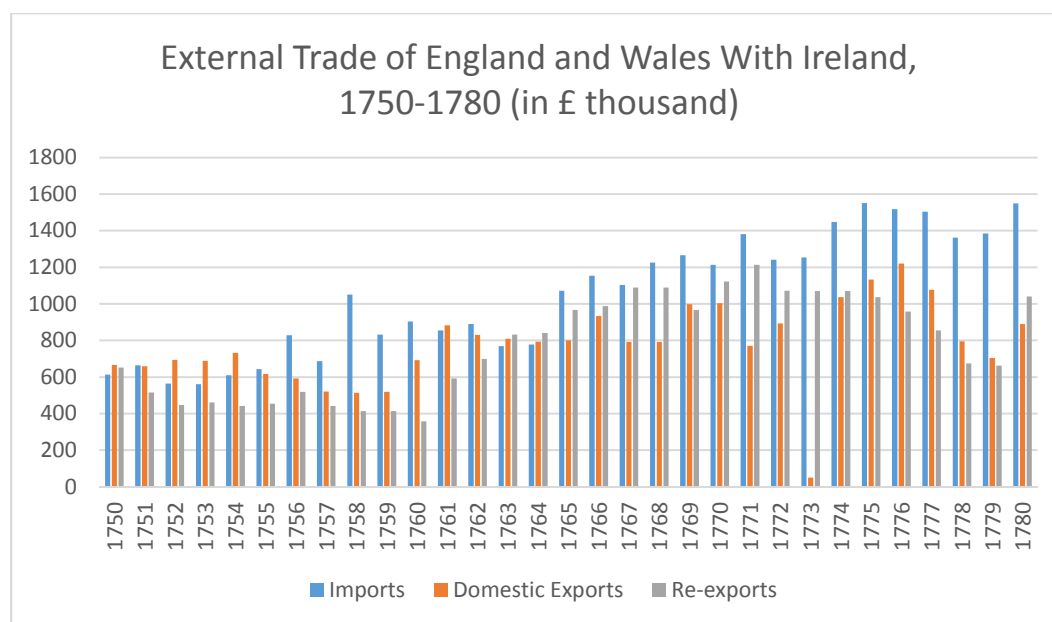
England did make concessions in the trades of linen and provisions, which enabled Ireland’s linen industry to represent a high proportion of trade to England up until the late

<sup>782</sup> Cullen, *Anglo-Irish Trade*, 46.

<sup>783</sup> Cullen, *Anglo-Irish Trade*, 46.

1750s.<sup>784</sup> After this period, the cattle and provisions trade expanded with England. The Irish exportation of flour, oatmeal, and grain to Britain also grew in the last thirty years of the eighteenth century.<sup>785</sup> Consequently, the share of linen goods in the Irish export trade declined.<sup>786</sup> In sum, commercial relations between England and Ireland expanded increasingly in Burke's day in the eighteenth century, even as industry interest groups persisted in lobbying the English and Irish parliaments to erect protectionist roadblocks to frustrate competition. Consider in Table 5.3 the growth of Anglo-Irish trade in the decades in which Burke emerged as a leading public figure.

Table 5.3 External Trade of England and Wales With Ireland, 1750-1780



Source: Mitchell (1988)

<sup>784</sup> Cullen, *Anglo-Irish Trade*, 47-51. See Tables 13 and 14.

<sup>785</sup> Cullen, *Anglo-Irish Trade*, 49.

<sup>786</sup> Cullen, *Anglo-Irish Trade*, 49.



Burke was keenly aware of how this growing commercial Anglo-Irish partnership could be stunted by mercantilist policies. The 1762 edition of the *Annual Register*, then under the editorial direction of Burke, published a letter that presented a vigorous statement in favor of free trade and condemned the mercantile system. “[T]he removal of obstacles is all that is necessary to the success of trade,” the writer states.<sup>787</sup> The writer praised the virtues of market freedom and rebuked the idea that the study of economics could be simplistically reduced to an exact science. He was responding to a 1750 work by Girolamo Belloni, *Del commercio dissertazione*,<sup>788</sup> which reflected the mercantilist school of political economy. Belloni’s dissertation had been published by the *Annual Register* in a previous issue. The publication of these two pieces in the *Annual Register* marks Burke’s attentiveness to the growing importance of questions regarding trade and commerce even before his entry into Parliament. And the argument of the letter writer in favor of market competition is eerily similar to Burke’s beliefs about the merits of commercial liberty.

Not only was Burke aware of the controversy over free trade in the 1760s, but he was also *active* in addressing trade disputes before starting his career in the House of Commons. On 22 March 1765, the House of Commons agreed to craft a bill restricting the number of Irish trade ports that could legally export wool and the number of English ports that could import the same product.<sup>789</sup> In a letter written in mid-May 1765, around eight months before he was seated in Parliament, Burke suggests that he aided Charles Townshend’s efforts in Parliament to defeat the bill.

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<sup>787</sup> *The Annual Register, of the Year 1762* (London, 1763), 177.

<sup>788</sup> See Bourke, *Empire & Revolution*, 479.

<sup>789</sup> *Correspondence of Edmund Burke*, I, 193n1.

Burke first criticizes English traders who “rashly attributed”<sup>790</sup> the decline of English wool imports from Ireland to the illicit wool trade between Ireland and France. He then writes:

This Idea founded in an Ignorance of the Nature of the Irish Trade had weight with some persons; but the decreased import of Irish Wool and Yarn being accounted for, upon true and rational principles, in a Short memorial delivered to Mr Townshend; he saw at once into it with his usual Sagacity; and he has silenced this complaint at least for this session.<sup>791</sup>

Burke may have written the “Short memorial” himself.<sup>792</sup> By referencing “Nature,” Burke insinuates that the decline in Irish wool exports to Britain could be attributed to the natural adjustments and readjustments of market forces. More so, notice that Burke associates proponents of the illicit trade argument with ignorance and irrationality, while suggesting that his position opposing additional restrictions on Irish trade was grounded in truth and rationality. Such intimations about free trade will become more relevant later in this chapter on the role of nature in Burke’s economic commentary on commercial liberty. In the end, the bill opposed by Townshend was reconsidered by the House in March 1766, when Burke was seated in Parliament. Burke opposed it, and the bill was defeated once again.<sup>793</sup>

In his first parliamentary session in 1766, in addition to the Free Port Act, Burke endorsed two measures that promoted freer commercial relations between Ireland and the West Indies. One proposal would have intensified the sugar trade by allowing Ireland to import the commodity directly from the West Indies. The second reform would have allowed Ireland to directly export soap.<sup>794</sup> In light of the first measure, Burke asked O’Hara

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<sup>790</sup> *Correspondence of Edmund Burke*, I, 193.

<sup>791</sup> *Correspondence of Edmund Burke*, I, 193.

<sup>792</sup> Burke to Henry Flood, 18 May 1765, in *Correspondence of Edmund Burke*, I, 193. See footnote 3.

<sup>793</sup> See Lock, *Edmund Burke*, vol. I, 225.

<sup>794</sup> Lock, *Edmund Burke*, vol. I, 225.

in early March to send him “some Arguments from those who are most intelligent relative to the direct import of English W. India Sugars into Ireland...”<sup>795</sup> Burke then displays his disdain for unnecessary commercial regulations. “The late regulations here were to shut out in a Civil way the Portuguese; but I think they have hurt the whole Trade,” he writes. “Cannot the good be kept and the bad part be rejected? The principles I remember, the details have passed away from my memory.”<sup>796</sup> Burke is most likely alluding to a 1765 act that attempted to reduce fraud in the sugar trade.<sup>797</sup>

Once again, Burke invokes the language of principle to ground his judgment of the act in a firm foundation. In addition, his remark calling to retain the good parts of the bill and abandon the weak parts is a precursor to his famous aphorism in *Reflections* that a “state without the means of some change is without the means of its conservation.”<sup>798</sup> Nonetheless, Burke soon encountered the political potency of protectionist sympathies in England. He learned that English merchants engaged in the sugar trade to Ireland were intent on opposing the sugar measures, which would have created more competition in their industry.

Burke turned his energies to the soap export measure, a policy that did not command widespread backing in the House. In a letter he wrote to O’Hara on 24 May 1766, Burke said that he made a “strenuous, though an unsuccessful one, for the Irish Sope Bill” on May 15. He recognized that the wind of political sentiment was against him: “...I debated *alone* for near an hour, with some sharp antagonists; I grew warm; and had a mind to divide the house

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<sup>795</sup> Burke to Charles O’Hara, I, 4 March 1766, in *Correspondence of Edmund Burke*, I, 240.

<sup>796</sup> Burke to Charles O’Hara, I, 4 March 1766, in Copeland, *Correspondence of Edmund Burke*, I, 240.

<sup>797</sup> Copeland, *Correspondence of Edmund Burke*, I, 240n5.

<sup>798</sup> Langford, *Writings and Speeches*, VIII, 72.

on it...’’<sup>799</sup> Once Burke realized the strength of the political opposition, and the prospect of immediate defeat, he agreed to withdraw the motion until the next session.

Even in this single, seemingly insignificant instance, Burke’s recounting of his efforts unveils lessons about his approach to political economy that would become more transparent in his speeches over the Irish trade bills. In his fight in support of soap exports, Burke exhibits a willingness to advance, in his judgment, the principle of free trade with Ireland even in the teeth of acute political hostility—enough so that he was willing to split the House on the issue, as he admitted. In the letter to O’Hara, moreover, Burke claims that House members told him that the soap export proposal was “new and serious.”<sup>800</sup> This comment suggests that Burke was a leading advocate for the relaxation of commercial restrictions early in his parliamentary career, and a novel one at that.

These two lessons—Burke’s willingness to pursue free trade policies, even in the face of bitter resistance, and his leading role in doing so—manifest themselves in Burke’s parliamentary activity debating the Irish trade bills in the late 1770s. At this time the American war was bruising the Irish economy due to limitations on Americans’ access to Irish exports and on Irish emigration. Ireland was banned from exporting woolen and glass products. Irish manufacturers faced prohibitive duties, which diminished their ability to access British markets. In effect, powerful economic regulations prevented Ireland from fully participating in trade with the American colonies, provoking the country’s wrath in the late 1770s.

Burke was an early supporter of the proposal from Irish landlord and MP Lord Nugent on 2 April 1778 to form a committee to discuss the question of Anglo-Irish trade

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<sup>799</sup> Burke to Charles O’Hara, 24 May 1766, in *Correspondence of Edmund Burke*, I, 254.

<sup>800</sup> Burke to Charles O’Hara, 24 May 1766, in *Correspondence of Edmund Burke*, I, 254.

relations.<sup>801</sup> “Burke spoke for some time”<sup>802</sup> in support of Nugent’s proposal. Burke maintained that “it particularly behoved this country to admit the Irish nation to the privileges of British citizens.”<sup>803</sup> Because Ireland was the “chief dependency” of the British monarchy, he says, it would benefit Britain to grant them similar advantages. These comments in support of Nugent’s measure is an early sign in Burke’s legislative activity over Irish trade that he believed freer commercial intercourse promoted a unity of interest between Ireland and Britain.

Burke did not stop there in his campaign for the liberalization of commerce in the spring of 1778. During a House committee meeting on 7 April 1778 that discussed Irish trade, Burke, according to the *London Evening Post*, “took a much more enlarged view of the subject than the motion included: he wished to give Ireland a substantial, and not a seeming good, by giving them at once a free manufacture and export of every thing...”<sup>804</sup> A moderate response to the ongoing discussions would have proposed a “good” enlargement of commercial freedoms for the Irish. Burke, however, calls for “substantial” economic improvement, showing that his ultimate goal during deliberation over the trade bills was not piecemeal reform but bold action.

Two days later, when the Committee on Irish Trade reported five resolutions to the House, Burke proposed an important amendment to the first resolution. It allowed Ireland to export goods directly to the colonies that had initially been purchased legally from Britain

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<sup>801</sup> Langford, *Writings and Speeches*, IX, 504.

<sup>802</sup> Langford, *Writings and Speeches*, IX, 504. Lock writes that Burke spoke “briefly in support” of Nugent’s proposal, but this is contradicted by contemporary accounts in the *Gazetteer* and in Cobbett’s *Parliamentary History*.

<sup>803</sup> Langford, *Writings and Speeches*, IX, 504.

<sup>804</sup> Langford, *Writings and Speeches*, IX, 504-05.

and foreign countries.<sup>805</sup> After Burke offered the amendment, MP Benjamin Allen “cast an oblique reflection” on Burke “for his hurry in this business.”<sup>806</sup> The response from Burke furnishes an additional clue into why he supported free trade so feverishly during deliberation: “The stirring of interest could alone produce the harmony he wished, and if he could not play successfully on that, he despaired of his end.”<sup>807</sup> By referencing “stirring of interest,” Burke suggests that his aim of political persuasion during discussion over the Irish trade bills was to tap into the self-interest of Irish and British traders. Doing so would demonstrate, from Burke’s point of view, how free trade benefits both parties in the transaction, creating a self-perpetuating harmony. In other words, Burke is invoking the principle of reciprocity that would later animate his discussion of the agricultural economy in *Thoughts and Details*.

Burke elaborates on the theme of reciprocity in *Two Letters on the Trade of Ireland*, published on 12 May 1778. Burke wrote these letters in response to Bristol merchants who opposed reducing the trade restrictions between Ireland and England. Samuel Span, writing on behalf of the Society of Merchant Adventurers of Bristol, whose members were concerned that the commercial concessions would sacrifice their trading advantage, wrote Burke four days after Burke’s amendment. In addition, on April 27, Harford, Cowles & Co., a group of iron manufacturers, also wrote Burke to express their staunch opposition to the bills.

Burke gently but firmly opposes the concerns voiced by Span and the other Bristol merchants. *Two Letters* offers his most substantive reflections on the issue of free trade,

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<sup>805</sup> Langford, *Writings and Speeches*, IX, 505-06.

<sup>806</sup> Langford, *Writings and Speeches*, IX, 506.

<sup>807</sup> Langford, *Writings and Speeches*, IX, 506.

bringing to light some of the main patterns of his economic thought that Burke would later articulate in *Thoughts and Details*: a synthesis of interest arises in market transactions; voluntary exchange is not a zero-sum activity; and mutual trade imbues a spirit of political conciliation and social partnership among its participants. These themes will be examined below.

First, Burke argues in favor of decreasing commercial restrictions based on the virtue of a unity of interest between two trading parties—an idea very similar to his response to Benjamin Allen and to his argument in *Thoughts and Details* that consensual market exchange is the trigger for collective advantage between the farmer and the laborer. “[J]ustice to others is not always folly to ourselves,” he writes to Span.<sup>808</sup> More so: “[Y]ou trade very largely where you are met by the goods of all nations.”<sup>809</sup> Burke insists, “We cannot be insensible of the calamities which have been brought upon this nation by an obstinate adherence to narrow and restrictive plans of government.”<sup>810</sup> From his perspective, the “narrow” and “restrictive” plans were the inappropriate regulations limiting commercial intercourse between Ireland and England.

Next, Burke’s conception of a unity of interest elevates one of the foremost philosophical pillars of his economic doctrine: voluntary trade relations are not zero-sum transactions but instead tend to benefit both parties involved. He writes, “...[It] is but too natural for us to see our own *certain* ruin, in the *possible* prosperity of other people. It is hard to persuade us, that every thing which is *got* by another is not *taken* from ourselves.”<sup>811</sup> He

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<sup>808</sup> Langford, *Writings and Speeches*, IX, 507.

<sup>809</sup> Langford, *Writings and Speeches*, IX, 511.

<sup>810</sup> Langford, *Writings and Speeches*, IX, 508.

<sup>811</sup> Langford, *Writings and Speeches*, IX, 514.

continues: “Trade is not a limited thing; as if the objects of mutual demand and consumption, could not stretch beyond the bounds of our Jealousies.”<sup>812</sup> Burke says further,

[I]f Ireland is beneficial to you, it is so, not from the parts in which it is restrained; but from those in which it is left free, though not unrivalled. The greater its freedom, the greater must be your advantage. If you should lose in one way, you will gain in twenty.<sup>813</sup>

For Burke, competition, as indicated by his rejection of “unrivalled” freedom, will produce a flowering of benefits even if it causes English traders to be deprived of some insignificant ones. Burke is trying to invert the argument posed by Span and Bristol merchants: instead of being harmed by competition, Burke contends, English traders will gain advantages. What is gained by one will not be lost by the other.

Burke’s rejection of zero-sum thinking applied to commercial enterprise beyond Anglo-Irish relations. In *Speech on St. Eustatius*, given three years after *Two Letters*, he noted that the trading activities of the Dutch island of St. Eustatius, a cosmopolitan merchant community, benefited all. In the speech, he first asserts a principle of free trade: “The merchant does not carry his goods to a place to lay them up, but to sell them...”<sup>814</sup> St. Eustatius in particular was a model in promoting commerce. “...[I]t was the known, established, and admired principle of St. Eustatius to be a mart for all the world, and consequently equally advantageous to us as to the enemy,” he observes.<sup>815</sup> Foreign traders, including both Britain and Britain’s economic rivals, the Dutch, profited from vibrant commercial intercourse.

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<sup>812</sup> Langford, *Writings and Speeches*, IX, 514-515.

<sup>813</sup> Langford, *Writings and Speeches*, IX, 517.

<sup>814</sup> Langford, *Writings and Speeches*, IV, 82.

<sup>815</sup> Langford, *Writings and Speeches*, IV, 82.



In the case of the Irish trade bills, Burke suggests that the concessions were also *equitable* because, rather than conferring individual benefits to Ireland, they were simply removing arbitrary restrictions. “Do we in these resolutions *bestow* any thing upon Ireland? Not a shilling,” Burke avers. “We only consent to *leave* to them, in two or three instances, the use of the natural faculties which God has given to them, and to all mankind.”<sup>816</sup> For Burke, the lowering of trade barriers indicated the heightening of a fair playing field. The goal of free commercial intercourse did not require the dispensation of financial rewards to Ireland, but rather the prohibition of instruments that prevented the country’s capacity to produce goods.

In sum, in Burke’s judgment, the liberal flow of trade engenders a larger common good benefiting people from different cultures and political communities—in this case, Ireland and England—and is not an economic system in which one gains at the other’s expense. As Burke wrote in an earlier letter to Span, “The prosperity arising from an enlarged and liberal system improves all its objects: and the participation of a trade with flourishing Countries is much better than the monopoly of want and penury.”<sup>817</sup> Burke believes that competition has merit.

Burke’s contention that free trade creates mutual advantages is an economic argument. There is a deeper philosophical implication, however, that strikes at the heart of the political question driving this dissertation: how does Burke understand the connection between politics and economics? In the case of free trade, Burke displays in *Two Letters* the

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<sup>816</sup> Langford, *Writings and Speeches*, IX, 509.

<sup>817</sup> Burke to Samuel Span, 9 April 1778, in George H. Guttridge, ed., *The Correspondence of Edmund Burke*, vol. III (Cambridge: Cambridge University Press, 1961), 426.

conviction that *political* relations between parties can improve by the enhancement of free *economic* activity, such as in regard to Ireland and England.

Burke conveys this point by showing how the softening of commercial restrictions would obviate the British Empire's pure coercive force over Ireland. "God forbid, that our conduct should demonstrate to the world, that Great Britain can, in no instance whatsoever, be brought to a sense of rational and equitable policy, but by coercion and force of arms!" he writes.<sup>818</sup> The presence of the British military in Ireland paved the way for oppression. "The Military force, which shall be kept up in order to cramp the natural faculties of a people, and to prevent their arrival to their utmost prosperity," Burke writes, "is the instrument of their Servitude, not the means of their Protection."<sup>819</sup> Burke is putting forth the notion that commercial relations could replace military muscle as the channel through which Ireland and England could sustain their political relationship.

Freer trade, in Burke's view, would also relax the tensions of jealousy and envy inherent in competitive markets. Recall his comment above that cast doubt on the idea that trade "could not stretch beyond the bounds of our Jealousies."<sup>820</sup> And remember his remark in *Short Account* that the Free Port Act "allayed and composed" the "Passions and Animosities" of North American and West Indian colonial traders.<sup>821</sup> He repeats this point multiple times in *Two Letters*. Burke describes the salutary impact of Scotland's trading activities in the British Empire to illustrate that free commercial relations generate social harmony, not discord, between transacting parties. First Burke reinforces his rejection of zero-sum economic thinking: "But if Scotland, instead of paying little [into Britain's public

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<sup>818</sup> Langford, *Writings and Speeches*, IX, 509.

<sup>819</sup> Langford, *Writings and Speeches*, IX, 515.

<sup>820</sup> Langford, *Writings and Speeches*, IX, 514-15.

<sup>821</sup> Langford, *Writings and Speeches*, II, 55.

expenses], had paid nothing at all, we should be gainers, not losers by acquiring the hearty co-operation of an active intelligent people, towards the increase of the common stock...’’<sup>822</sup>

Burke then says this cooperation is a far better option than another scenario: a commercial zero-sum brawl infected by envy. This alternative would be “our being employed in watching and counteracting them, and their being employed in watching and counteracting us, with the peevish and churlish jealousy of rivals and enemies on both sides.”<sup>823</sup> Furthermore, in his concluding thoughts in his 2 May letter, Burke highlighted the sin of jealousy behind the campaign to frustrate Irish competition. “[I]f our Jealousies were to be converted into Politicks as systematically as some would have them, the Trade of Ireland would vanish out of the System of Commerce.”<sup>824</sup>

For Burke, the virtue of economic exchange transcends material reward because it turns rivals into social partners and mutual beneficiaries. In the case of Scotland and England above, traders fostered “hearty co-operation.” In opposing the idea at the time for union between Great Britain and Ireland, Burke says, “Until it can be matured into a feasible and desirable scheme, I wish to have as close an union of interest and affection with Ireland, as I can have...”<sup>825</sup> In regard to Ireland and England, Burke regrets that it “is very unfortunate, that we should consider those as Rivals, whom we ought to regard as fellow labourers in a common Cause.”<sup>826</sup> Voluntary commercial trade creates bonds of sympathy and friendship for the parties involved.

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<sup>822</sup> Langford, *Writings and Speeches*, IX, 511.

<sup>823</sup> Langford, *Writings and Speeches*, IX, 511.

<sup>824</sup> Langford, *Writings and Speeches*, IX, 517.

<sup>825</sup> Langford, *Writings and Speeches*, IX, 510.

<sup>826</sup> Langford, *Writings and Speeches*, IX, 517.

In the context of these arguments, Burke's philosophical approach to free trade is a forerunner to Hayek's notion of catallaxy,<sup>827</sup> the idea that economic exchange generates concord between traders, and thus turns potential rivals into friends. Burke communicates an exceedingly similar idea to Samuel Span in *Two Letters* with firmness and consistency. For Burke, the invigoration of consensual economic activity can reduce social tensions and build new partnerships.

Burke hints at the profound implications of this insight in the letters. If free trade enhances social cohesion, then the presence of the British military in Ireland would not be as necessary to preserve political order there. The bolstering of free trade, then, would signal the *strengthening* of social and political relations between the two countries—not the weakening of them, as one might expect if a military ceases occupying a territory. Commerce could serve as glue between political competitors.

This point was especially acute in the late 1770s. Irish sentiments at the time were stirred by the American colonists' resistance to the British Empire. Since the early 1600s, when large numbers of Irish settlers started emigrating to the North American colonies, there had been a growing transatlantic connection between the Americans and the Irish.<sup>828</sup> Accordingly, Burke hoped that the Irish trade concessions would cool Irish attitudes desiring more political independence, and, hopefully, limit the prospect of Irish rebellion.

This conclusion penetrates to the crux of Burke's conception of empire as intimated in *Two Letters*. Burke's overarching aim in the letters is not to theorize on the virtues of free trade in themselves, or to write a condensed version of *Wealth of Nations* stuffed into a few pages. Rather, Burke's mission here is best understood in a *political* context, one that is

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<sup>827</sup> See "Rationalism and the Hayek Connection," Chapter 3.

<sup>828</sup> See Bourke, *Empire & Revolution*, 390-91.

principally concerned with preserving the integrity of the British Empire. *Two Letters* conveys Burke's judgment that vibrant commercial intercourse between England and Ireland could serve the interest of the empire and its English citizens. As he told Span and other Bristol merchants, "It is *for* you, and *for* your Interest, as a dear, cherished, and respected part, of a valuable whole, that I have taken my share in this question"<sup>829</sup> of Irish free trade. Without a doubt, Burke is incorporating tactics of political persuasion to win over Bristol skeptics. But based on the aforementioned evidence in this section, Burke also held an authentic belief that competition between trading countries would diffuse benefits to many people, including English traders.

Burke's contention that freer trade could serve as a synchronizing instrument between Ireland and England was particularly relevant in 1778 in light of the growing alliance between France and the United States. This partnership posed a threat to the power of the British Empire. The two countries had signed the Treaty of Alliance and Treaty of Amity and Commerce on 6 February 1778, only two months before Burke would direct his attention to the Irish trade bills. Securing the strength of the British Empire, then, became an even more urgent task in the backdrop of these changing geopolitical circumstances.

Burke also makes more practical arguments in *Two Letters* and his Irish trade bill speeches that address the specific concerns of critics of the legislation. One objection claimed that Ireland did not deserve to reap the benefits of commercial trade because she did not contribute her fair share of taxes to the Exchequer. Burke responds by first claiming that Ireland paid as many taxes as it could afford. Then he writes that Ireland should be granted more commercial freedom before being expected to pay more taxes. "...Ireland pays as

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<sup>829</sup> Langford, *Writings and Speeches*, IX, 514.

many taxes, as those who are the best judges of her powers, are of opinion she can bear,” he states. “To bear more she must have more ability; and in the order of nature, the advantage must *precede* the charge.”<sup>830</sup> In other words, Ireland must be given more liberty before being tasked with the greater responsibility of contributing to the public good.

Burke reinforces this point in his 6 May speech on Irish trade. Ireland, he says, is taxed disproportionately more than England, even though Ireland is poorer than England. Using the “internal opulence and external advantage” and not population size, Ireland “is taxed in a quadruple proportion more than England.”<sup>831</sup> Thus “[s]he is taxed, without enjoying the means of payment.”<sup>832</sup> Ireland is “restricted from trading,” thereby enjoying “no opportunity of acquiring wealth of payment, and in proportion to her ability to enlarge her taxes.”<sup>833</sup> Once again, Burke emphasizes that Ireland should be provided the gift of commercial freedom prior to paying more to the public treasury. Latent in these remarks is Burke’s belief that one cannot expect a people with limited freedom to exercise their political responsibilities when they do not possess the liberty to do so.

Another practical argument Burke employs is his attempt to assuage the fears of English manufacturers regarding the perceived danger of cheap Irish labor. Until the price of labor is equal, Burke argues in his 6 May speech, England would retain its superior manufacturing advantage. This is because high-wage labor was a sign that the condition of manufacturing capacities was healthy and vibrant. “The price of labour rises with the growth of manufacture, and is highest when the manufacture is best,” Burke says.<sup>834</sup> Moreover, “The

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<sup>830</sup> Langford, *Writings and Speeches*, IX, 510.

<sup>831</sup> Langford, *Writings and Speeches*, IX, 521.

<sup>832</sup> Langford, *Writings and Speeches*, IX, 521.

<sup>833</sup> Langford, *Writings and Speeches*, IX, 521.

<sup>834</sup> Langford, *Writings and Speeches*, IX, 522.

experience of every day tells us, that where the price of labour is highest, the manufacture is able to sell his commodity at the lowest price.”<sup>835</sup> In short, in Burke’s judgment, English producers should not fear cheap labor but recognize the commercial advantages that accompany more expensively compensated work.

Burke makes a further practical argument in defense of the Irish trade bills by concluding that British merchants’ anxiety about the sailcloth trade was unfounded. Two days after he wrote his letter to the merchants of Harford, Cowles & Co., Burke proposed in Parliament to remove British import duties against Irish sailcloth and cordage.<sup>836</sup> This was the fifth resolution proposed by the Committee on Irish Trade. Somerset merchants involved in the sailcloth industry expressed deep concern that the measure would harm their trade because it would invigorate Irish competition. English traders would be forced to sacrifice “this important branch of trade,”<sup>837</sup> according to a petition drafted by the Somerset merchants.

Yet the privilege of duty-free sailcloth already existed. Perhaps Burke already knew this when he proposed the fifth resolution; perhaps not. Once the sail-cloth privilege was discovered, however, Burke pointed out that the fears of the Somerset petitioners had not come to fruition. In a 4 May speech, Burke said that their “preposterous apprehension” was “founded merely on the basis of imagination, and not the ground plot of reality.”<sup>838</sup>

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<sup>835</sup> Langford, *Writings and Speeches*, IX, 522.

<sup>836</sup> Langford, *Writings and Speeches*, IX, 518. Apparently Burke was not aware that these privileges were already allowed. See Lock, *Edmund Burke*, vol. I, 428. The alternative explanation is that Burke set a trap for his trading constituents who opposed free trade. See Thomas H.D. Mahoney, *Edmund Burke and Ireland* (Cambridge, MA: Harvard University Press, 1960), 77-78.

<sup>837</sup> Langford, *Writings and Speeches*, IX, 518.

<sup>838</sup> Langford, *Writings and Speeches*, IX, 518.

Additionally, “it was facetious to see that they felt occasion for fear at the idea, though they had not been injured by the reality.”<sup>839</sup>

Burke underscores this point two days later in regard to sailcloth and iron. British merchants feared that the free exportation of iron would threaten their iron trade. English traders “had not felt from the reality, what they dreaded from the idea, for an act existed at this time permitting the free exportation of manufactured iron, which, however, had not been prosecuted, because of the advantages enjoyed by the English.”<sup>840</sup> Burke here attempts to draw attention to the gap between the apprehensions of English traders and the concrete realities of the sailcloth and iron trade, demonstrating that theoretical propositions were not necessarily grounded in practical circumstance. This insight anticipates his more famous commentary in *Reflections* highlighting the gulf between abstract theory and experience.

Burke appeared to brandish some influence in his support for the bill permitting Ireland to import colonial goods. The legislation achieved a second reading by a vote of 126 to 77. Overall, however, the Irish trade resolutions were watered down by compromise measures. Ireland was granted the opportunity to directly export goods to the colonies, with particular goods excluded, and to trade Irish cotton yarn to Britain without duties.<sup>841</sup> The resolutions led to slightly more commercial freedom in the West Indian and African trades and in the linen industry, especially in the checked linen trade.<sup>842</sup>

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<sup>839</sup> Langford, *Writings and Speeches*, IX, 518.

<sup>840</sup> Langford, *Writings and Speeches*, IX, 522.

<sup>841</sup> Langford, *Writings and Speeches*, IX, 401.

<sup>842</sup> *The Annual Register, For the Year 1778*, 2<sup>nd</sup> ed. (London: J. Dodsley, 1781), 192. See also Mahoney, *Edmund Burke and Ireland*, 75-92.



Burke's reasoning attracted the ears of other MPs. MP and Lord Advocate Henry Dundas of Scotland conceded that, after first opposing them, he had been convinced by Burke of the merits of the Irish trade bills:

...[A]fter attending for several days to the subject [of Irish trade], he had been converted in the course of the last session, by the solid reasonings of the hon. Gentleman who had spoken some time since (Mr. Burke) and from thence forward, he could safely affirm, he never uttered a sentence, nor gave a single vote contrary to what fell on that occasion, from the hon. gentleman.<sup>843</sup>

According to Burke, at least twenty other MPs told him they were similarly persuaded by his reasoning that the resolutions warranted support.<sup>844</sup>

Like *Thoughts and Details*, however, the persuasive force of Burke's *Two Letters* is weakened by an incomplete articulation of the benefits of free trade and insufficient attention to possible counterarguments. First, while Burke repeatedly claims that the enhancement of commercial relations between England and Ireland would generate prosperity both countries, he fails to say how specifically. He could have provided other credible arguments that might have strengthened this assertion, and that might have been more persuasive to Span: trade increases the material standard of living of traders, as well as other inhabitants of the countries; vibrant commercial relations produce new innovations and techniques that could benefit Bristol merchants; and, thus, Bristol merchants would have greater opportunities to pursue profit-making ventures.

Furthermore, Burke does not seriously engage possible objections. Would particular industries lose jobs in the trades that were impacted by the commercial concessions? Would Burke be as sympathetic to free trade if he were a Bristol trader and might stand to lose from

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<sup>843</sup> *Cobbett's Parliamentary History of England*, vol. XX (London: T.C. Hansard, 1814), 1215.

<sup>844</sup> Langford, *Writings and Speeches*, IX, 550.

Irish competition? Did not the business community's argument that its trade would be injured have *some* merit?<sup>845</sup> Burke does not sufficiently answer these questions.

The reality is that Burke understated the difficulties of Bristol trade following the closure of the North American markets during the American war in the 1770s. There was a forty-two percent drop in the volume of transatlantic shipping received in Bristol from 1773-77 to 1778-80.<sup>846</sup> This was the lowest volume since the War of the Austrian Succession over two decades prior.<sup>847</sup> Bristol traders continued to trade modestly with merchants in Philadelphia, Charleston, and New York City. But only fifteen colonial ships entered Bristol ports between 1776 and 1780.<sup>848</sup> Being that Burke insisted he was a careful researcher on economic issues, surely he could have acknowledged these empirical realities, if only to attempt to rebut them.

Still, in his letters in April and May 1778, Burke conveys his pro-trade arguments with an explicitness and freshness that challenged the protectionist sentiments of the decade. Remember that the shadow of mercantilism loomed over English trade policy at the time Burke wrote his letters, as the 1760s and 1770s had witnessed a spike in new protectionist laws designed to shield England from foreign competition.<sup>849</sup> Recall also that Burke's letters were written only two years after Adam Smith published *Wealth of Nations*, the most famous

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<sup>845</sup> In a 1780 to Thomas Burgh, an MP in the Irish Parliament, he does briefly acknowledge that MPs who opposed the Irish trade bills because of political pressures stemmed from constituents' "ideas, which, though I do not always follow, I can never blame." Langford, *Writings and Speeches*, 551.

<sup>846</sup> Kenneth Morgan, *Bristol & the Atlantic Slave Trade in the Eighteenth Century* (Cambridge: Cambridge University Press, 2004), 25.

<sup>847</sup> Morgan, *Bristol & the Atlantic Slave Trade*, 25.

<sup>848</sup> Morgan, *Bristol & the Atlantic Slave Trade*, 25.

<sup>849</sup> See Davis, "Rise of Protectionism in England," 314. Note, as Davis points out, that some duties on raw materials were lowered during this time period, such as those on beaver skins and raw silk.

eighteenth-century screed denouncing mercantilism. It is tempting to ascribe Burke's views in part to the influence of Smith. Yet Burke's advocacy on behalf of the Free Port Act more than a decade earlier, and his efforts working for Townshend and in his first parliamentary session promoting Irish free trade, illustrate that Burke held a genuine belief in foreign commercial liberty years before *Wealth of Nations* was published.

This belief was confirmed in private notes Burke had prepared for a letter or speech around the same time he wrote *Two Letters*. The notes address the history and sources of Irish poverty. Burke writes that the remedy for the poor is "to obtain the means of Wealth."<sup>850</sup> More so, a "free Trade is in Truth the only source of wealth."<sup>851</sup> These notes are some of the most categorical statements advocating free trade throughout Burke's entire career, and illuminate Burke's judgment that poverty can be conquered by the release of commercial activity from government regulations. They also smoothly align with the intensity and substance of Burke's excited market pronouncements in *Thoughts and Details* that invoked the authority of nature.

#### **f. Irish Trade, Nature, Principle, and Prudence**

The final theme in *Two Letters* that deserves elaboration is Burke's conception of natural rights in relation to trade. In the letters, Burke submits that England should not inhibit the natural capacity of the Irish to pursue commercial enterprise. As discussed in Chapter 3, Burke does not fully endorse Locke's natural rights doctrine in *Thoughts and Details*. In *Two Letters*, however, Burke does confer some legitimacy on the notion that

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<sup>850</sup> Langford, *Writings and Speeches*, IX, 515.

<sup>851</sup> Langford, *Writings and Speeches*, IX, 515. Burke also writes in his notes that trade "growing from the most part from the fancies of men is a capricious thing and those who cannot follow the capricies of Trade cannot woo that coquet with success."

individuals possess pre-political natural rights that should be protected from the regulatory designs of the state. In doing so, he adopts comparable language he uses later in *Thoughts and Details* in connecting the principles of economics with the laws of nature.

First, recall Burke's comment above that supporters of the Irish trade bills were simply seeking to permit the Irish to use their "natural faculties which God has given to them, and to all mankind."<sup>852</sup> Because these "natural" abilities of man were gifts from God, Burke indicates in *Two Letters* that England should not arbitrarily inhibit Ireland's ability to produce goods. Later in the paragraph Burke writes, "Ireland is a country, in the same climate, and of the same natural qualities and productions"<sup>853</sup> as England. In this instance Burke is not referring specifically to the natural abilities of man but to the natural environment and manufacturing capacities of the Irish. But the salient lesson is that Burke in both cases is calling attention to the authority of nature, *not* to custom, tradition, and prescription, in order to vindicate his position that Ireland should be granted more economic liberty.

Burke then offers his most explicit invocation of natural abilities in *Two Letters* in the next paragraph. He writes:

I believe it will be found, that if men are suffered freely to cultivate their natural advantages, a virtual equality of contribution will come in its own time, and will flow by an easy descent, through its own proper and natural channels. An attempt to disturb that course, and to force nature, will only bring on universal discontent, distress and confusion.<sup>854</sup>

Similar to his reference to man's "natural faculties" and "natural qualities" above, Burke is appealing to the authority of nature to justify commercial freedom. Based on the

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<sup>852</sup> Langford, *Writings and Speeches*, IX, 509.

<sup>853</sup> Langford, *Writings and Speeches*, IX, 509.

<sup>854</sup> Langford, *Writings and Speeches*, IX, 510.

context of *Two Letters*, in which Burke defends free trade, the “natural advantages” to which Burke most likely is referring are the climate and natural environment of Ireland, and the natural productive abilities of Irishmen and women to create and sell goods. More so, Burke associates the free circulation of commerce with “natural” movement. Therefore, he is making a normative claim to economic freedom based on the philosophical foundation of nature.

Burke underscores this idea near the end of the first letter. He says that he wished the Irish Parliament would, “in its own wisdom, remove these impediments, and put their country in a condition to avail itself of its natural advantages. If they do not, the fault is with them, and not with us.”<sup>855</sup> Burke is employing the language of nature in order to convince Spain that Ireland deserved the blessing of commercial freedom.

Burke reinforces the integral role of nature in informing his beliefs about free trade when he specifically invokes natural rights in his discussion of France in *Two Letters*:

France, and indeed most extensive empires, which by various designs and fortunes have grown into one great mass, contain many Provinces that are very different from each other in privileges and modes of government; and they raise their supplies in different ways; in different proportions; and under different authorities; yet none of them are for this reason, curtailed of their *natural rights*; but they carry on trade and manufactures with perfect equality [italics added].<sup>856</sup>

The conventional belief is that Burke was hostile to, or did not emphasize the primacy of, natural rights doctrine.<sup>857</sup> Russell Kirk writes, “Whether in the role of reformer or of conservator, he rarely invokes natural right against his adversaries’ measures or in

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<sup>855</sup> Langford, *Writings and Speeches*, IX, 512.

<sup>856</sup> Langford, *Writings and Speeches*, IX, 510-11.

<sup>857</sup> See, for instance, Kirk, *Conservative Mind*, 47-58; and Babbitt, *Democracy and Leadership*, 126.

defense of his own.”<sup>858</sup> Yet here in *Two Letters* Burke makes an unequivocal reference to “natural rights”—a concept he derides in *Reflections* according to his understanding of the abstract natural rights theories of French revolutionaries.<sup>859</sup> How, then, can one elucidate Burke’s notion of natural rights in the letters?

Burke’s message to Span is that even though different political authorities superintend different economic environments under a large empire like France, this diversity does not mean natural rights should be restricted for particular people in a particular area. Burke, then, is referring to natural rights in a wholly positive and cosmopolitan light here. He intimates that the preservation of natural rights is the spring for commercial productivity and economic growth. He suggests that these rights should not be circumscribed. And he signals that the exercise of natural rights leads toward equality. (Burke does not specify which type of equality, whether it be economic, social, or political.<sup>860</sup>)

Burke’s notion of natural rights in *Two Letters* becomes clearer and sharper in the second letter:

God has given the earth to the children of men, and he has undoubtedly, in giving it to them, given them what is abundantly sufficient for all their exigencies; not a scanty, but a most liberal provision for them all. The Author of our nature has written it strongly in that nature, and has promulgated the same law in his written word, that man shall eat his bread by his labour; and I am persuaded, that no man, and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say, that he *shall not* do so; that they have no sort of right, either to prevent the labour, or to withhold the bread.<sup>861</sup>

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<sup>858</sup> Kirk, *Conservative Mind*, 50.

<sup>859</sup> Langford, *Writings and Speeches*, VIII, 58. “Am I to congratulate an highwayman and murderer, who has broke prison, upon the recovery of his natural rights?” In *Reflections*, Burke does distinguish between abstract natural rights doctrine and the right to keep what one produces. See Langford, *Writings and Speeches*, VIII, 109-10.

<sup>860</sup> See “Equality,” Chapter 3 for Burke’s reflections on equality.

<sup>861</sup> Langford, *Writings and Speeches*, IX, 515.

These comments are Burke's most fully developed statements on the subject of natural right in *Two Letters*. Even though he does not make an explicit reference to the term, it is clear, based on the specific remark about "right" and his description of the argument he is trying to make, Burke is presenting a form of natural rights doctrine: the individual has at least some right to produce, and he has the right to use what he produces.

In these reflections, Burke goes beyond his earlier appeals to nature by elaborating on the connection between the fruits of nature and the authority of God, and the sanction of the Bible. Whether consciously or not, Burke, in claiming that God bestowed the gift of nature on human beings, mirrors Psalms 114:16, which teaches, "But the earth hath he given to the children of men."<sup>862</sup> Nature provides bountiful opportunities for man to use for food and supplies. More so, the "author of our Nature" created the law that man eats by his labor, a statement mirroring Genesis 3:19, which says, "In the sweat of thy face shalt thou eat bread, till thou return unto the ground..."<sup>863</sup> The right to labor, Burke suggests, stems from God's granting of the gift of nature for all to use.

Notice what Burke does not argue. He does not claim that the right to work is a prescriptive right, drawn from the authority of tradition and custom. He does not contend that the Irish trade bills are simply a manifestation of the recovery of old Irish economic rights.<sup>864</sup> Therefore, although using "nature" and "natural" to justify market liberalism was

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<sup>862</sup> "Psalms: Chapter 115." *King James Bible*, accessed August 31, 2016, <http://www.kingjamesbibleonline.org/Psalms-Chapter-115/>.

<sup>863</sup> "Genesis: Chapter 3," *King James Bible*, accessed August 31, 2016, <http://www.kingjamesbibleonline.org/Genesis-Chapter-3/>.

<sup>864</sup> Burke could have made a plausible argument in *Two Letters* by insisting that the bills were recovering Irish commercial rights before the mercantilist policies of William III. He does use this form of argumentation in his 6 May bill on Irish trade. The trade measures, Burke said, "were no more than restoration of what the wisdom of a British Parliament had, on a former occasion, thought proper to invest Ireland with." See Langford, *Writings and Speeches*, IX, 519.

not uncommon at the time, Burke's frequent appeal to it in *Two Letters* exposes him to the criticism that he was invoking abstract conceptions of nature to justify an economic right. That Burke would allow himself to be vulnerable to this charge is especially noteworthy considering that he stressed the centrality of history and prescription, and denounced Jacobin abstract natural rights doctrine, in *Reflections*.

To summarize, Burke's conception of nature in *Two Letters* in regard to the political economy of Ireland includes a blend of natural right and natural faculty. Burke does not fully elaborate on his understanding of nature in the letters, but one can reasonably surmise the thrust of his argument based on the aforementioned textual evidence. Ireland has certain natural advantages, such as those possessed by individual ingenuity and the surrounding natural environment. England should remove arbitrary government restrictions on Irish trade in order protect the natural right of Irishmen to produce, which would allow them to unleash their natural abilities to create and trade commercial goods. In short, Burke presents a firm, if rudimentary, notion of natural rights in *Two Letters*, and traces the normative claim of right to the will of God.

Burke not only argues that God gave nature to man for him to use. He also invokes God when advancing the aforementioned argument about Irish taxation. The entire quotation is:

To that argument of equal taxation, I can only say, that Ireland pays as many taxes, as those who are the best judges of her powers, are of opinion she can bear. To bear more she must have more ability; and in the order of nature, the advantage must *precede* the charge. This disposition of things, being the law of God, neither you nor I *can* alter it.<sup>865</sup>

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<sup>865</sup> Langford, *Writings and Speeches*, IX, 510.



The “law of God,” expressed in the “order of nature,” is that the market actor must be minted with the freedom to produce before he is expected to pay more in taxes. God’s law is that man should have liberty before he has the responsibility to contribute to the public weal.

In another example of the theoretical touch of his reflections grounded in theology and natural law, Burke insists in the second letter that those who believe in zero-sum trade should “form to ourselves a way of thinking, more rational, more just, and more religious”<sup>866</sup> in order to grasp that commercial exchange benefits both parties. Burke is insinuating that unhindered commercial activity is a reflection of nature and should be defended on grounds of rationality and justice—and even piety.

All of the aforementioned textual evidence detailing Burke’s gestures to nature, God, and religion are similar to his references to the same authorities in *Thoughts and Details*. Recall his appeal in the economic tract to “the laws of commerce,” which were the “laws of nature, and consequently the laws of God.”<sup>867</sup> The repeated citations to nature and God in both writings illustrate that the categorical boldness of particular pro-market statements in *Thoughts and Details* is not distinctive of the tract, as scholars have suggested.<sup>868</sup> *Two Letters* is a powerful statement of Burke’s support for free trade that conveys as much zeal, if not more, for market liberalism in comparison to *Thoughts and Details*. More so, since *Two Letters* was published in 1778 and *Thoughts and Details* was drafted in 1795, Burke’s belief that market liberalism reflected the authority of nature and the will of God predated the latter tract by almost twenty years, at the very least. This fact provides additional evidence that Burke’s

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<sup>866</sup> Langford, *Writings and Speeches*, IX, 514.

<sup>867</sup> Langford, *Writings and Speeches*, IX, 137.

<sup>868</sup> See “Conclusion: Burke and Prudence in *Thoughts and Details*,” Chapter 3.

perspective on the question of economic exchange was consistent throughout his parliamentary career.

Furthermore, the *certainty* of Burke's convictions about the Irish trade bills mirrors the intensity of his convictions in *Thoughts and Details*, and quite possibly exceeds them. In denying that the initial measures originated with him, Burke writes, "...[W]hen things are so right in themselves, I hold it my duty, not to enquire from what hands they come."<sup>869</sup> "So right in themselves"—this is not a statement of prudence but a declaration of a self-evident truth, as Burke understood it. He echoes this certainty in a speech on Irish trade on 5 May, three days after he wrote his second letter to the iron manufacturers. On this day, thirty-five petitions opposing the bills were presented in Parliament. In the snarl of such opposition, Burke, according to the *General Evening Post*, "acknowledged that he did look all of one side; for there was but one side to look at, as the question for our consideration was simply this, whether or not we should suffer a country to enjoy that to which she had a natural right."<sup>870</sup> Here Burke integrates an expression of unequivocal certainty—"one side to look at"—into his conception of natural right. This is not the prudential, cautious Burke about which we are accustomed to reading.

One day later, on May 6, when the bill allowing the direct importation of colonial products into Ireland was approved, Burke revived his pro-trade convictions. In a speech in the House of Commons, Burke "different in opinion from [his constituents] on the noblest principle, namely, from the conviction of his being in the right."<sup>871</sup> Furthermore:

...[I]f, from his conduct in this business, he should be deprived of his seat in that honourable House, it would stand on record, an example to future representatives of the Commons of England, that one man, at least, had dared

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<sup>869</sup> Langford, *Writings and Speeches*, IX, 508.

<sup>870</sup> Langford, *Writings and Speeches*, IX, 519.

<sup>871</sup> Langford, *Writings and Speeches*, IX, 523.

to oppose his constituents when his judgment assured him they were in the wrong.<sup>872</sup>

This is not a statement of prudence or utility. Burke conveys that he is willing to lose his seat in Parliament in his pursuit of free trade by shunning political opposition to the trade concessions that had mounted in late April and early May.<sup>873</sup> (Around sixty petitions condemning the Irish trade bills were sent to the House of Commons in that span.<sup>874</sup>)

In other words, Burke is prepared to sacrifice his political future on the basis of principle, stripped of nuance, circumstance, or prudential considerations for his career. Leo Strauss claimed that Burke flirted with suggesting that “to oppose a thoroughly evil current in human affairs is perverse if that current is sufficiently powerful...”<sup>875</sup> He writes that Burke was “oblivious of the nobility of last-ditch resistance.”<sup>876</sup> Burke’s activities promoting free trade in the 1770s refute these statements. Regardless of the merits of Burke’s pro-trade arguments, Burke here is clearly engaged in a struggle of last-ditch resistance against the might of protectionist-leaning merchants.

Burke’s written communication in *Two Letters* is, indeed, marked by a *slightly* more delicate tone than in *Thoughts and Details*. This moderate change is most likely due to the fact that Burke was addressing a constituent in the former writing. Therefore, Burke’s careful articulation in *Two Letters* can be attributed to his continual struggle in Parliament in balancing his support for free commerce with the burden of political realities. Burke was keenly aware that Span, and the merchants he represented, opposed Burke’s free trade

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<sup>872</sup> Langford, *Writings and Speeches*, IX, 523.

<sup>873</sup> Around sixty petitions condemning the Irish trade bills were sent to the House of Commons in that span. Langford, *Writings and Speeches*, IX, 549n3.

<sup>874</sup> Langford, *Writings and Speeches*, IX, 549.

<sup>875</sup> Strauss, *Natural Right and History*, 318.

<sup>876</sup> Strauss, *Natural Right and History*, 318.

positions. Yet even in this light, it is striking that Burke does not dissimulate his convictions in the letters. How many elected representatives today would have the gall to tell their constituents, point blank, that they should tame their envy of the commercial prosperity of others and thus support free trade legislation?

Consequently, Burke's delicate yet firm treatment of the Irish trade bills provides a window into his understanding of the relationship between economic doctrine and statesmanship. In the case of the trade bills, Burke, similar to his opinion about the limitations of the Free Port Act, expresses regret that the proposed Irish trade measures did not do more to advance market liberty. "The fault I find in the scheme is, —that it falls extremely short of that liberality in the commercial system," Burke writes, "which I trust, will one day be adopted."<sup>877</sup> He says that the resolutions calling to soften trade barriers between Ireland and Britain "aim, however imperfectly, at a right principle."<sup>878</sup> Burke conveyed a similar sympathy for the trade measures outside of *Two Letters*. He asserted to Edmund Sexton Perry, the Speaker of the Irish House of Commons, that it was "a great deal to have broken up the frozen Ground,"<sup>879</sup> the frozen ground signifying the stiff commercial restrictions between Ireland and England.

In addition, Burke writes in the 2 May letter: "I voted for [the Irish trade bills], not as doing compleat Justice to Ireland; but as being something less unjust, than the general prohibition which has hitherto prevailed," he writes.<sup>880</sup> Burke hoped, as he wrote two years later, that "we might obtain gradually, and by parts, what we might attempt at once, and in

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<sup>877</sup> Langford, *Writings and Speeches*, IX, 507.

<sup>878</sup> Langford, *Writings and Speeches*, IX, 507.

<sup>879</sup> Lock, *Edmund Burke*, vol. I, 429.

<sup>880</sup> Langford, *Writings and Speeches*, IX, 516.

the whole, without success...’’<sup>881</sup> That attempt was to “fix the principle of a free trade’’<sup>882</sup> in Britain’s colonial possessions. Again, Burke communicates his unshaken support for free trade. But, also yet again, he exhibits an understanding that principles sometimes have to be cooled temporarily because of political realities. Burke was prudent in the Irish trade debates, then, not because he sought prudence as an end goal, but because political circumstances dictated compromise out of legislative necessity. In short, the theme connecting Burke’s support for the Irish trade bills, the Free Port Act, and the 1772 repeal of laws against middlemen trading practices is not simply his pro-market inclinations but his regret that they had not gone further in advancing the principle of commercial liberty.

Consistent with this belief in progress toward economic liberalization, in fact, Burke was willing to temporarily sacrifice the particular details of free trade policy during debates over the Irish trade bills, with the hope that broader gains would be made in the future. When the House was in committee discussing the bill allowing Ireland to directly export its good to the colonies, MP Bamber Gascoyne offered an amendment on 19 May 1778 that would have banned particular Irish items from being exported.<sup>883</sup> MP Sir Thomas Egerton then moved that Gascoyne’s proposal should not take effect until Ireland eliminated the duty on linen yarn exports to Britain.<sup>884</sup>

Burke supported Gascoyne’s amendment. Contemporary accounts of his speech suggest he did so because, in his view, the overall bill to allow direct exportation to the colonies would still enlarge the sphere of Irish commercial activity. He reasons that thus far,

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<sup>881</sup> Langford, *Writings and Speeches*, IX, 549.

<sup>882</sup> Langford, *Writings and Speeches*, IX, 549-50.

<sup>883</sup> Langford, *Writings and Speeches*, IX, 523.

<sup>884</sup> Langford, *Writings and Speeches*, IX, 523.

“the bill would appear to the people of Ireland a very considerable acquisition...”<sup>885</sup> Burke said that the amendment “confirmed the principle of extending the Irish trade, upon principles of prudence, policy, and justice.”<sup>886</sup> These comments make it difficult to interpret Burke’s message. They suggest that Burke believed Gascoyne’s measure advanced free trade, when it actually restricted the movement of the particular items listed. Perhaps Burke failed to articulate his remarks clearly, or that the *Gazetteer*, the paper that reported this speech, did not record it accurately. Based on the context of his thoughts, and particularly in light of his comments following these statements, it appears that Burke’s principal message is that the bill, even with Gascoyne’s amendment, signified a tangible step in the direction of freer trade:

...[B]y granting a bill, to show our inclination to give whatever could be safely granted, we would prove to Ireland that we wished to give them encouragement, so on the other hand, in the course of the next session, as would be fully prepared and informed to discuss the question at large, and be enabled to form a judgment that would or would not be fit to give Ireland, by way of indulgence.<sup>887</sup>

Gascoyne’s amendment passed the committee.<sup>888</sup>

Burke’s position on Egerton’s proposal, which he opposed, is similarly complicated. The essence of his argument is that the British textile industry did not deserve to have primacy access to the Irish linen industry since Ireland had the right to produce linen and regulate it however it sees fit. At the time, Manchester was the epicenter of the textile industry and had proposed to raise and fund its own regiment upon hearing news about the Battle of Saratoga in 1777, the turning point in the American war that tilted it in the

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<sup>885</sup> Langford, *Writings and Speeches*, IX, 524.

<sup>886</sup> Langford, *Writings and Speeches*, IX, 524.

<sup>887</sup> Langford, *Writings and Speeches*, IX, 524.

<sup>888</sup> Langford, *Writings and Speeches*, IX, 523.

colonists' favor. Burke insisted that Manchester believed that they "have an exclusive right to [the British government's] favours and indulgences, and demand the oppression of others for the aggrandizement of themselves."<sup>889</sup> Notice that Burke associates the free export of linen yarn to Britain with *hurting* the Irish and helping the English. In other words, Burke is suggesting that Ireland's linen industry would benefit from being protected from the English textile trade, which would conceivably militate against his contention, as indicated, that low commercial regulations benefit both transacting parties.

Britain's textile industry,<sup>890</sup> on the other hand, supported Egerton's measure because it created more opportunities for English traders to compete with Irish traders in the linen check industry. The linen yarn was also useful to Britain's textile industry since it could furnish the warp used in products of cotton cloth.<sup>891</sup> Moreover, Burke notes that Britain "preserves to itself the exportation of cottons in their mixed and unmixed states by which alone the article of checks can be rendered valuable, and wishes at the same time to have an exclusive right to the exportation of linen checks..."<sup>892</sup> He then makes the more practical point that, in his estimate, the linen check industry in Britain was not worth more than 1,500 pounds, while in Ireland the export duty on linen created 7,500 pounds of revenue.<sup>893</sup>

Burke's argument in this case does not rest on the abstract principle of free trade. Rather, it conveys that if Britain is going to benefit from its exclusive exportation of cotton, then Ireland should be allowed to exercise the same right to glean advantages from its linen

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<sup>889</sup> Langford, *Writings and Speeches*, IX, 525.

<sup>890</sup> See N.B. Harte, "The Rise of Protection and the English Linen Trade, 1690-1790," in *Textile History and Economic History: Essays in Honour of Miss Julia de Lacy Mann* eds. Harte and K.G. Ponting (Manchester: Manchester University Press, 1973), 76-112.

<sup>891</sup> Langford, *Writings and Speeches*, IX, 523.

<sup>892</sup> Langford, *Writings and Speeches*, IX, 525.

<sup>893</sup> Langford, *Writings and Speeches*, IX, 527.

industry. Burke's reasoning, however, does not necessarily sacrifice his belief in liberal commercial intercourse; it simply suggests that one party should not be prevented from erecting protectionist measures if the other party, in this case England, is already doing so. Of course, Burke could have proposed a compromise proposal as an alternative to the measures of Gascoyne and Egerton: Ireland would lower its duties on linen yarn, and England would relax its grip on the cotton export industry. Such an option would have promoted the spirit of free trade more effectively than Burke's defense of the self-interested motives of Irish and English merchants.

Nevertheless, Burke is insistent that Ireland has a right to economic liberty. In an argument reminiscent of his invocations of nature in *Two Letters*, Burke contends that England should not deny Ireland her natural rights and natural advantages to produce. Members of Manchester's textile industry, because it offered to raise the regiment, think that gesture "will induce Government to deprive Ireland of the rights of nature to enrich them."<sup>894</sup> Burke stresses the primacy of a natural economic environment: "The linen manufacture of Ireland is its natural and staple commodity."<sup>895</sup> The compact between England and Ireland "gives them the free, unqualified, unlimited, and unspecified right to the linen manufacture."<sup>896</sup> This is not an expression of moderation but a declaration of economic principle.

In addition, from Burke's account in the speech, Ireland claimed authority over the linen trade according to "all the laws of equity, and by the right of inheritance."<sup>897</sup> Irish

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<sup>894</sup> Langford, *Writings and Speeches*, IX, 526.

<sup>895</sup> Langford, *Writings and Speeches*, IX, 526.

<sup>896</sup> Langford, *Writings and Speeches*, IX, 526.

<sup>897</sup> Langford, *Writings and Speeches*, IX, 526.



traders “do not come requesting it as a favour, but demanding it as justice.”<sup>898</sup> Notice that Irishmen, not Burke, were calling attention to the authority of inheritance in asserting its claim over the linen industry. Yet Burke repeatedly summons the language of natural rights to defend the right of Ireland to control the trade. Perhaps he was employing the vocabulary of nature for rhetorical purposes. But why would he do so when addressing his arguments to Bristol merchants and MPs in the House of Commons? Would not English traders and politicians in particular have been more skeptical of natural rights doctrine as a method of argument to vindicate economic freedom rather than appeals to recovering the prescriptive rights of Ireland? Therefore, even though Burke is characterized as one of the leading proponents of tradition in modern political thought, his constant use of nature, and not history, in debates over Irish free trade reveal Burke to be a more complex thinker than this customary depiction suggests.

The question of Irish grievances concerning free trade was revived again in Parliament in February 1779. On 15 February, Lord Newhaven proposed that the House consider the pending legislation on Irish trade in ten days. Burke picked up on his point from the 1778 debates that the British government’s efforts to enhance its imperial power over its colonies resulted in the diminution of its authority and a sharp increase in political instability. In the 1779 debate, Burke said that “every measure for some years past, particularly such as had led us into the American war, were avowedly adopted under the idea of *rendering government* powerful and paramount over the several dependencies of the British empire; yet what was the consequence?”<sup>899</sup>

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<sup>898</sup> Langford, *Writings and Speeches*, IX, 526.

<sup>899</sup> Langford, *Writings and Speeches*, IX, 527.

Burke continued: “We had lost already *one third* of the empire past redemption; Ireland was ruined and bankrupt; the reins of government were become so loose, that tumults and insurrections were daily feared...”<sup>900</sup> Burke also asserted in his speech that Britain “had *no right to bind Ireland*, and that such a control so exercised, was no better than arbitrary and tyrannical.”<sup>901</sup> One could not have presented a less prudent observation than this statement. In essence, Burke’s remarks in his February 1779 speech underscore two themes of his commentary on Irish trade: first, the enlargement of political power can undermine its own authority; and second, Burke’s advocacy of commercial freedom is rooted in the notion of right.

Burke’s correspondence with Thomas Burgh on 1 January 1780 sheds further insight into Burke’s frame of mind during parliamentary discussion over Irish trade in 1779. In the letter Burke expresses disappointment over the idea to permit Ireland to import colonial sugar. He criticizes the initiative for its lack of outreach to representatives of the “country party”<sup>902</sup> and to Irish political leaders; the absence of strategic planning to anticipate political opposition; and the disorganized nature in which it was presented.<sup>903</sup> Nevertheless, Burke writes, “...I supported the principle of enlargement which [supporters of the bill] aimed at, though short and somewhat wide of the mark, giving as my sole reason, that the more frequently those matters came into discussion, the more it would tend to dispel fears and to eradicate prejudices.”<sup>904</sup> Burke was willing to lend his support to severely flawed pieces of

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<sup>900</sup> Langford, *Writings and Speeches*, IX, 527.

<sup>901</sup> Langford, *Writings and Speeches*, IX, 528.

<sup>902</sup> Langford, *Writings and Speeches*, IX, 552.

<sup>903</sup> Langford, *Writings and Speeches*, IX, 552-53.

<sup>904</sup> Langford, *Writings and Speeches*, IX, 553.

commercial legislation because, in his judgment, it would have quickened the process of convincing skeptics that free trade would produce salutary advantages.

In the letter to Burgh, Burke discloses that he opposed two additional measures that generated government incentives to particular industries. The first provided an incentive to grow tobacco, and the second granted an export bounty on hemp from Ireland.<sup>905</sup> He disapproved of the reforms because “the cultivation of those weeds (if one of them could be at all cultivated to profit) was adverse to the introduction of a good course of agriculture.”<sup>906</sup> He also opposed them because “the encouragement given to them, tended to establish that mischievous policy of considering Ireland as a country of staple, and a producer of raw materials.”<sup>907</sup> Although he does not elaborate on this remark, Burke suggests that the measures established a skewed incentive structure governing the allocation of goods. A larger question remains, however: did Burke *ever* oppose the elimination of foreign commercial regulations?

#### **g. The American War, the Navigation Acts, and Pitt’s Commercial Propositions**

While Burke championed the virtues of free trade above, there still remains the legitimate counterargument that he displayed tendencies in support of mercantilism. According to this reasoning, Burke may have lauded free trade in small pockets of the British Empire, but in general he subscribed to mercantilist doctrine,<sup>908</sup> at least earlier in his career.

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<sup>905</sup> Langford, *Writings and Speeches*, IX, 554.

<sup>906</sup> Langford, *Writings and Speeches*, IX, 554.

<sup>907</sup> Langford, *Writings and Speeches*, IX, 554-55.

<sup>908</sup> Admittedly, there was no single doctrine of “mercantilism.” Identifying the term’s precise definition and specific conceptual strands lies beyond the scope of this dissertation. Mercantilism will be described as a body of thought whose chief ideas

Because Burke supported the Navigation Acts and the union between Britain and her colonial possessions, such thinking goes, he was not a committed proponent of free trade.

Indeed, Burke did support the Navigation Acts and the idea that Britain's colonial possessions provided economic benefits to its empire. But a closer reading of Burke's arguments shows that he did not endorse mercantilist orthodoxy. Consider the Navigation Acts. In his *Speech on American Taxation*, given on 19 April 1774, Burke contends that Britain should fully repeal the Townshend Revenue Acts of 1767 and return to its older protectionist system binding the colonies, as codified in the Navigation Acts. He reasons that colonists had grown accustomed to living under the Acts, not that mercantilism offered the best economic means to enhance the wealth of Britain. Burke even says that this system, "if uncompensated," would create "a condition of as rigorous servitude as men can be subject to."<sup>99</sup> But he defends the Acts on the grounds of political prudence: the colonists had grown accustomed to the laws, and "scarcely had remembered a time when they were not subject to such restraint."<sup>10</sup> This is Burke the prudential statesman taking priority over Burke the economist, revealing the former's belief in the efficacy of settled tradition in preserving political stability.

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include, in no particular order: 1) establish regulations to create an export surplus; 2) keep wages cheap to undersell foreign traders and preserve profit for domestic producers and merchants; 3) wealth is a zero-sum competitive enterprise; 4) wealth is measured in gold; 5) a nation should produce goods at home rather than purchase them abroad; and 6) imperialism and slavery were possible means toward the mercantilist pursuit of wealth. See Thomas Sowell, *On Classical Economics* (New Haven: Yale University Press, 2006), 5-6. See also Richard C. Wiles, "The Theory of Wages in Later English Mercantilism," *The Economic History Review* 21 (1968): 113-26; and Gary M. Anderson and Robert D. Tollison, "Sir James Steuart as the Apotheosis of Mercantilism and His Relation to Adam Smith," *Southern Economic Journal* 51 (1984): 456-68.

<sup>99</sup> Langford, *Writings and Speeches*, II, 428.

<sup>10</sup> Langford, *Writings and Speeches*, II, 428.

Burke's additional comments make it more difficult to classify his economic thought in the speech through a modern lens of "free trade," "anti-free trade," or "mercantilism." Burke defends the Acts by claiming that the American colonies and Britain had flourished under them; but then he admits soon thereafter that the Acts might need to be amended to adapt to changing conditions. "[I]f the act be suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances," Burke says, "it must do great mischief, and frequently even defeat its own purpose."<sup>911</sup> In the same paragraph, Burke derides Grenville for adopting commercial principles that veered closer to mercantilism than commercial liberalism. Grenville, Burke insists, thought that the "flourishing trade of this country was greatly owing to law and institutions, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue."<sup>912</sup> Trade restrictions were not the source of commercial growth, nor were duties the best means to collect revenue.<sup>913</sup> This is not mercantilism. Remember also that Burke was a leading proponent of reforming the Navigation Acts and liberalizing trade in the West Indies during the drafting of the Free Port Act of 1766.

In his *Speech on Conciliation with America*, presented on 22 March 1775, Burke offers similar noncommittal logic about the merits of the Navigation Acts. He avows that they were "great use" to Britain; but then in the next sentence he concedes that they "do confine, and they do greatly narrow, the market for the Americans."<sup>914</sup> The purpose of Burke's

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<sup>911</sup> Langford, *Writings and Speeches*, II, 432.

<sup>912</sup> Langford, *Writings and Speeches*, II, 432.

<sup>913</sup> Burke would use similar logic in his critique of the East India Company's coercive policies on the native Indian population. See Chapter 8.

<sup>914</sup> Langford, *Writings and Speeches*, III, 138.

argument in this section is not to argue that the Acts were sound or unsound economic policy. Rather, he is making a political point: the origin of the dispute with the Americans was tax policy, not the Acts, which had existed for many years before the colonists started to agitate for independence. According to Burke, “There is not a shadow of evidence”<sup>915</sup> for the claim that the Americans’ disgust for commercial restrictions came prior to their opposition to taxes.

When Burke does engage in extended economic commentary in *Speech on Conciliation*, he submits an argument that directly challenged the mercantilist belief that trade generates zero-sum consequences. Burke declares that the flowering of colonial trade benefited Britain, particularly when the mother country circumscribed its regulatory control over American merchants. “...[I]t will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse...” Burke says. “Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended...”<sup>916</sup> Burke marshals export trade data to prove this point, exposing his underappreciated affinity for empirical evidence.<sup>917</sup> He then lauds colonial prowess in the agricultural, fishing, and whaling industries. Instead of fueling envy, Burke says to British listeners, these American successes should have “raised your esteem and admiration.”<sup>918</sup> For Burke, an enterprising people should not be denounced for their commercial achievements, but instead should be praised. Burke’s conclusions about the reciprocal gifts of a thriving Anglo-American trade anticipate his arguments in favor of the Irish trade bills only a few years later.

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<sup>915</sup> Langford, *Writings and Speeches*, III, 138.

<sup>916</sup> Langford, *Writings and Speeches*, III, 114.

<sup>917</sup> Langford, *Writings and Speeches*, III, 113-14.

<sup>918</sup> Langford, *Writings and Speeches*, III, 117.

Burke then says:

[T]he Colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection.<sup>919</sup>

These remarks are most famous for invoking the concept of “salutary neglect,” the idea that Britain should not strictly enforce imperial trade restrictions on the American colonies. They are also illuminative of Burke’s conception of political economy. He maintains that the “constraints of a watchful and suspicious government”—Britain’s regulatory meddling in colonial trade—were designed to raise revenue but instead thwarted commercial intercourse. Burke is not calling to implement mercantilist trade policies.

The overall mood of *Speech on Conciliation* is a conciliatory attitude toward the Americans that emphasizes the alignment of interests, including the harmonizing chords of liberal trade, between England and her colonies. Doing so in the context of English relations with America would, according to Burke, preserve the integrity of imperial sovereignty while softening Americans’ calls for resistance. In both *Speech on Conciliation* and *Speech on American Taxation*, then, Burke conveys conditional support for the Navigation Acts as an imperative of political prudence rather economic doctrine.

The contention that Burke’s qualified approval of the Navigation Acts exposes his mercantilist thinking diminishes even more when taking into account Adam Smith’s defense of the laws. Smith, the leading proponent of free trade in the latter half of the eighteenth century, recognized that the Acts did not set down the ideal conditions for perfect economic liberty. “The act of navigation is not favourable to foreign commerce, or to the growth of

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<sup>919</sup> Langford, *Writings and Speeches*, III, 118.

that opulence which can arise from it,” he observes in *Wealth of Nations*.<sup>920</sup> But, similar to Burke, Smith believed they performed an important function in defending the national security interests of Britain: “As defence...is of much more importance than opulence, the act of navigation is, perhaps, the wisest of all the commercial regulations of England.”<sup>921</sup> Like Burke, Smith expressed sympathy for the idea to slowly relax Britain’s control over the American trade.<sup>922</sup>

Burke and Smith did not hold all the same positions on the utility of Britain’s colonial possessions in North America. At the end of *Wealth of Nations*, Smith appears more resigned to the fact that the colonies imposed too many financial burdens on the British Empire while failing to provide sufficient contribution to Britain’s imperial defense, a position voiced by Josiah Tucker as well.<sup>923</sup> But Burke’s and Smith’s qualified approval of the Acts did not convey a commitment to mercantilist orthodoxy. Both understood that economic activity operates in a deeper political context, and at times should be subordinate to broader considerations of national interest. This realization in itself did not reflect mercantilism. For Burke and Smith, men, and nations, were not *homo economicus*.

Burke’s more theoretical positions on foreign trade also deviate from mercantilist principles. As stated, he contended that trade promises wider material benefits, and that the success of one merchant did not drain others of economic advantages. Contrary to mercantilism, Burke was highly skeptical of the virtues of a favorable balance of trade: “The balance of trade...is a mischievous principle; the effect of which is to accumulate a debt, and

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<sup>920</sup> Smith, *Wealth of Nations*, vol. I, 464.

<sup>921</sup> Smith, *Wealth of Nations*, vol. I, 464-465.

<sup>922</sup> Smith, *Wealth of Nations*, vol. II, 606.

<sup>923</sup> W.G. Shelton, “Dean Tucker’s A Letter to Edmund Burke,” *Studies in Burke and His Time* 34 (1968-69): 1155-1161.



the more it inclines in your favour, the greater the debt.”<sup>924</sup> The source of public prosperity was liberal intercourse: a “Free Trade,” he wrote in his personal notes regarding Anglo-Irish relations, “is in Truth the only source of wealth.”<sup>925</sup> In addition, in 1769, Burke wrote in *Observations on a Late State of the Nation* that the internal wealth of England “consists in the stock of useful commodities, as much as in gold and silver.”<sup>926</sup> On principle, Burke challenged cardinal tenets of mercantilist thinking.

There is one glaring instance, however, in which Burke did *not* support free trade measures. In 1784 and 1785, Prime Minister William Pitt the Younger proposed a number of commercial propositions that would have bolstered the commercial relationship between Ireland and England, with the expectation that Ireland would make heavier financial contributions to Britain’s imperial defense.<sup>927</sup> Burke disapproved of Pitt’s measures, in effect becoming allies with the protectionist merchants whom he opposed in the previous decade over the Irish trade bills.

There was a flurry of political considerations that came into play in the debate concerning Pitt’s commercial propositions. This reality has led to varying interpretations of Burke’s decision: Burke succumbed to factionist impulses, lending “himself to the party cry that Pitt was taking his first measures for the re-enslavement of Ireland,”<sup>928</sup> as nineteenth-century Burke biographer John Morley described his actions; his mind was preoccupied with

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<sup>924</sup> Charles William, Earl Fitzwilliam and Sir Richard Bourke, *Correspondence of the Right Honourable Edmund Burke*, vol. IV (London: Francis & John Rivington), 477.

<sup>925</sup> Langford, *Writings and Speeches*, IX, 515n3.

<sup>926</sup> Langford, *Writings and Speeches*, II, 145.

<sup>927</sup> See Mahoney, *Edmund Burke and Ireland*, 136-51.

<sup>928</sup> John Morley, *Burke*, 126.

India at the time<sup>929</sup>; he thought the commercial propositions were a way to take revenue from the Irish, not unlike Britain's strategy with the American colonies; he had not made a full recovery from the political bedlam of the previous session, in which he faced sharp political hostility and resistance; or he was worried that further concessions to Ireland would have paved its way toward either unrestricted union or full independence.<sup>930</sup>

There is no single unifying theory to explain Burke's motives. An adherence to factionalism, combined with a focus on Indian affairs at the time, perhaps best explains Burke's puzzling behavior.<sup>931</sup> One might consider this instance to be the most glaring exception to his general pattern of supporting commercial liberty before *Thoughts and Details*. At the very least, it is clear this episode did not signal Burke's abandonment of pro-market sympathies. One of Burke's chief arguments against Warren Hastings before and during his impeachment trial in the 1780s and 1790s was that Britain's East India Company improperly mixed commercial liberty with political authority, which thereby harmed the flow of commerce and inflated the arbitrary power of Hastings.<sup>932</sup> And, of course, remember that *Thoughts and Details* was first drafted in 1795, a decade after Burke's opposition to the commercial propositions.

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<sup>929</sup> Burke noted the "total silence" of George III's January 1785 speech on matters relating to the East Indies. See *Cobbett's Parliamentary History of England*, vol. XXIV (London: T.C. Hansard, 1815), 1400.

<sup>930</sup> See Mahoney, *Edmund Burke and Ireland*, 149-50; Morley, *Burke*, 125-27; and Bourke, *Empire & Revolution*, 404-06.

<sup>931</sup> See Mahoney, *Edmund Burke and Ireland*, 149-50.

<sup>932</sup> See, for example, "Speech on Fox's India Bill," in *The Writings and Speeches of Edmund Burke*, vol. V, *India: Madras and Bengal 1774-1785*, ed. Paul Langford (Oxford: Clarendon Press, 2006), 380-451; and "Speech on Opening of Impeachment" on 17 February 1788 in *The Writings and Speeches of Edmund Burke*, vol. VI, *India: The Launching of the Hastings Impeachment 1786-1788*, ed. Paul Langford (Oxford: Clarendon Press, 1991), 269-312.

## h. Conclusion

In general, Burke's beliefs and activity supporting commercial liberty were marked by a firmness and confidence throughout his parliamentary career. One can go further and argue that Burke displayed a persistent *zeal* in favor of foreign and domestic economic liberalism years before he drafted *Thoughts and Details*. Burke himself demonstrated a self-awareness of this passion: he wrote in his 1780 letter to Thomas Burgh that the support given to the Irish trade bills by MPs convinced of his pro-trade positions showed "what they saw of my zeal."<sup>933</sup> He continued in the letter, "I could say more in proof of the effects of that zeal, and of the unceasing industry with which I then acted, both in my endeavours which were apparent, and those that were not so visible."<sup>934</sup> Burke then stressed how pushing the free trade measures carried heightened risk because of the allegation that he was being too sympathetic to Ireland.

Burke sometimes sacrificed his commitment to the principle of free trade in the name of political prudence, and, in his view, begrudgingly so at that. But the aforementioned evidence demonstrates that Burke was a strong and leading proponent of free trade in his public life, and that he did not relinquish his belief in the virtue of commercial liberty even if political circumstances dictated otherwise. He summed up these feelings five years before debate on the Irish trade bills. "No man living loves restrictive regulations of any kind less than myself..." Burke wrote in a letter to Irish MP Sir Charles Bingham in 1773 regarding the Irish absentee tax.<sup>935</sup>

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<sup>933</sup> Langford, *Writings and Speeches*, IX, 550.

<sup>934</sup> Langford, *Writings and Speeches*, IX, 550.

<sup>935</sup> Langford, *Writings and Speeches*, IX, 494. See "The Irish Absentee Tax," Chapter 6.

Ironically, Burke may have acted imprudently in his quest in the House of Commons to help pass the Irish trade bills. He and other MPs failed to accurately assess the mood of public opinion in Bristol and other trading cities in the late 1770s, which was far more reticent about the prospect of granting commercial concessions to Ireland. English merchants were still burdened by the American war. Perhaps if Burke, at the start of discussion over the bills in April 1778, had pushed the Committee on Irish trade to introduce two or three piecemeal resolutions, instead of five resolutions, English traders might have been more receptive to the possibility of increasing commercial relations with Ireland. These merchants' opposition to the bills was fierce, so it is unlikely they would have firmly embraced any significant trade concession, but the swift movement by Burke and other free trade advocates in the House to advance the resolutions did not necessarily help their cause.

Furthermore, Burke's free trade fervency was illuminated by his frequent appeals to the language of nature to augment his arguments in favor of free trade. He also invoked God, justice, and piety. Thus the contention that the Burke who wrote *Thoughts and Details* in 1795 was not the same Burke who cautioned moderation in his previous writings and speeches stands on weak ground. His passionate appeals to the "laws of commerce," "laws of nature," and "laws of God" in the 1795 tract was not a departure from but a continuation of his previous commentary praising the merit of commercial freedom.

Therefore, the secondary assessments of Burke as an advocate of political expediency, utilitarianism, historical consciousness, and prudent caution need to be reevaluated. Burke held a genuine conviction that the right to trade freely was grounded in nature and principle. He used meetings with merchants and empirical research to strengthen his arguments. But there is no available historical evidence showing that Burke underwent a

conversion in favor of free trade doctrine after such research. Rather, his writings and speeches illustrate that he held free trade convictions before *and* after his empirical efforts to bolster his arguments about commercial liberty.

More so, his vehement support for Irish free trade, even in the thicket of sharp opposition, reflected his belief that the duty of the representative is to make the right judgment based on concern for the common good, even if it conflicts with the public opinion of his constituents.<sup>936</sup> As Burke confided to Thomas Burgh almost two years after the Irish trade bill debates:

...[T]hat to which I attached myself the most particularly was, to fix the principle of a free trade in all the parts of these islands, as founded in justice, and beneficial to the whole, but principally to this seat of the supreme power; and this I labored to the utmost of my might, upon general principles, illustrated by all the commercial detail with which my little enquiries in life were able to furnish me.<sup>937</sup>

And even though one cannot attribute his resignation before the general election of 1780<sup>938</sup> directly to this support, Burke was willing to jeopardize his own parliamentary seat in the House of Common because he believed so passionately in the merits of commercial liberty.

The implications of Burke's support for the Free Port Act, the 1772 repeals, and the Irish trade bills go beyond scholarly disputes over patterns of his thought or his theory of representation. On a deeper level, Burke's support for free trade shines light on his commitment to transcend parochial considerations in regard to economic activity. Burke

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<sup>936</sup> See Burke's "Speech at the Conclusion of the Poll," in Langford, *Writings and Speeches*, III, 64-70.

<sup>937</sup> Langford, *Writings and Speeches*, IX, 550.

<sup>938</sup> Burke withdrew from the Bristol electoral contest in 1780 after six years as the city's MP. Intraparty Whig rivalries and other factors, rather than simply Burke's controversial position on free trade, may have ultimately contributed to his loss of political support. See I.R. Christie, "Henry Cruger and the End of Edmund Burke's Connection with Bristol," *Transactions of the Bristol and Gloucestershire Archaeological Society* 74 (1955): 153-70; and Lock, *Edmund Burke*, vol. I, 476-78.

recognized the vociferous opposition from Samuel Span and Bristol merchants. But he made an earnest attempt to show how the removal of commercial barriers would lead to the broad diffusion of public benefits to different people in different countries, in this case Ireland and England. And his constant invocation of nature to justify economic liberty may have been a rhetorical strategy for Burke to highlight the common humanity between the Irish and the English. While Burke has commonly been characterized as a defender of local community, his activity moving forward the Irish trade resolutions unmasks a side of Burke that displays a sensitive cosmopolitanism.

More so, in a larger theoretical context, his embrace of commercial trade provides insight into the philosophical question posed at the outset of this dissertation: in light of the Arendtian critique of modern productive society, does Burke demonstrate similar concerns about the corrupting effects of commercial culture? The evidence thus far suggests that Burke perceived the enhancement of commercial relations to be a force for good, not evil. He believed that lowering trade barriers would elevate the economic and *social* relationships between trading partners. For Burke, vibrant commercial intercourse eases political tensions between the parties, and provide the opportunity for them to live in greater harmony with one another. The circulation of foreign goods creates interpersonal social connections, thereby tempering man's baser instincts for brute power.

Arendt and other critics of modern economic life expressed concern that the frenzied activity of industrial production and commercial culture could lead toward the dehumanization of man. In the legislation above, Burke does not identify this worry. For him, trade does not drain human beings of the qualities that distinguish themselves from non-rational animals. Instead, by exposing the potentiality for social partnership, it can lift

man's spirit, soften jealousy, and furnish a unity of interests—messages that Burke emphasizes in *Thought and Details* as well.

Consistent with Arendt's critique of the modern ennobling of biologically productive human activities, Leo Strauss indicted modern man for attempting to conquer nature to serve his needs for self-preservation. In his famous essay *Three Waves of Modernity*, Strauss described how the premodern perspective of man aimed to understand the perpetually existing realities of nature and his place within it. In modernity, however, man has striven to employ nature in the service of earthly goals by producing goods through the exploitation of man's natural surroundings. "Conquest of nature implies that nature is the enemy, a chaos to be reduced to order; everything good is due to man's labor rather than to nature's gift," Strauss wrote.<sup>939</sup> Under this reasoning, the epistemological frame of reference transformed from nature, which furnished unchanging knowledge to be apprehended by ancient man, to the subject, which manipulated nature to satisfy the desires of man.

Thus far in our discussion of Burke's beliefs about political economy, he does not show anxiety about these objections to the patterns of modern commercial productivity. In *Two Letters* he veers closer to the Lockean conception of the relationship between nature and productivity, one that dignifies the human effort to use the natural environment for the production of material goods. In giving the Earth to man, Burke writes in the second letter, "God" has "given them what is abundantly sufficient for all their Exigencies; not a scanty, but a most liberal provision for them all."<sup>940</sup> In this context, Burke embraces nature not as an unchanging phenomenon to be comprehended but as a gift from God to be used for the material advantage of man.

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<sup>939</sup> Strauss, *Introduction to Political Philosophy*, 88.

<sup>940</sup> Langford, *Writings and Speeches*, IX, 515.

The absence of any reflections of the concerns voiced by Arendt and Strauss does not mean that Burke did not give thought to them. The settings of Burke's commentary in *Thoughts and Details* and *Two Letters*, and of his legislative activity pushing the Free Port Act and the 1772 repeals of trading practices, were not philosophical roundtable discussions but specific circumstances concerned with immediate political and economic problems. As we examine Burke's more philosophically rigorous insights into the relationship between politics and economics, the question moving forward is whether Burke does indeed demonstrate reflection on these theoretical implications of modern political economy raised by critics of modernity like Arendt and Strauss. One way to begin this ascension is to examine his beliefs on what he believed to be the pillar of any successful commercial society: land.



## Chapter 6: Burke on Property

### a. Introduction

The phrase “political economy” is often associated with issues that have animated the study of economics in modernity, such as foreign trade, supply and demand laws, public finance, wages, and prices.<sup>941</sup> To include Burke’s commentary on property in a discussion of his theory of political economy, therefore, is more an discretionary decision to broaden the phrase’s conceptual range than a reflection of historical precision. There was always “property” in human history, reaching back thousands of years before the idea of “political economy” emerged in the seventeenth and eighteenth centuries.<sup>942</sup> Accordingly, the study of political economy does not capture the unique role of property that predated the advent of modern capitalist economies.

Within the realm of political economy, however, there exists an inescapable dimension of deeper cultural, institutional, and moral implications. These help us understand how commercial markets relate to man’s state of being and his social relations to his fellow man. In modern parlance, in other words, political economy incorporates the interlocking parts of economics, ethics, political science, sociology, and legal theory. With these wider philosophical considerations in mind, Burke’s theory of property can be comfortably located within this dissertation’s area of focus, his philosophy of political economy. One can go

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<sup>941</sup> Adam Smith said that political economy, “considered as a branch of the science of a statesman or legislator, proposes two distinct objects; first, to provide a plentiful revenue or subsistence for the people, or more properly to enable them to provide such a revenue or subsistence for themselves; and secondly, to supply the state or commonwealth with a revenue sufficient for the publick services. It proposes to enrich both the people and the sovereign.” Smith, *Wealth of Nations*, vol. I, 428.

<sup>942</sup> See Chapter 1.

further and assert that Burke's belief in the primacy of property served as an *indispensable* part of this philosophy.

Before examining Burke's commentary on this topic, one must briefly review the major conceptual strands of property dating backing to classical antiquity. The first strand blossomed through Aristotelian and Thomistic traditions that emphasized the social and moral function of property in a political community. In the *Politics*, Aristotle discussed how the possession of landed property allowed the individual to become a virtuous citizen.<sup>943</sup> The propertied landowner was noble, upright, and responsible. He was capable of rational judgment. As Arendt discussed in *Human Condition*, the classical man of landed property was liberated from the biological obligations to provide food and shelter for himself—tasks performed by slaves and women—so that he could participate in the public affairs of the *polis*.<sup>944</sup> Remember also that the study of economics was not perceived as global commercial exchange but as household management.

For Aquinas, the possession of property was justified by natural law because it encouraged the owner to work diligently, it produced social order, and it enabled man to give external goods to those in need.<sup>945</sup> Although not synonymous,<sup>946</sup> both the Aristotelian and Thomistic conceptions identified the propertied man as conscientious, disciplined, and ethical. Property was a precondition and a reflection of his disposition and character. It furnished stability, moderation, and virtue in the political community. Above all, the propertied man did not use his land for the zealous pursuit of profit, commercial exchange,

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<sup>943</sup> Aristotle, *Politics*, 77-79; 168-71; 368-71.

<sup>944</sup> Arendt, *Human Condition*, 28-38.

<sup>945</sup> See Aquinas, *Summa Theologica*, vol. III, II-II, Q. 66, Art. 2, 1470-1471.

<sup>946</sup> See Hermann Chroust and Robert J. Affeldt, "The Problem of Private Property According to St. Thomas Aquinas," *Marquette Law Review* 34 (1950-51): 151-82.

and material advantage. These pursuits were considered immoral and beneath the dignity of the noble landed gentleman.

In contrast to landed property, the second major development of property in human history was the emergence of mobile property.<sup>947</sup> Commonly associated with modern economics, mobile property took the form of commercial exchange and financial investment, using money as the medium and metric of transactional relationships. Profit, not traditional virtue, was the lodestar of mobile property. The Industrial Revolution, the idea of “capitalism,” and the stock market are all metonymies of this modern form of property.

As discussed in the early chapters to this dissertation, however, associating classical and medieval Christian thought simply with landed property and modern economic doctrine with capitalism and commercialism is a simplistic way of understanding the development of property throughout time. There was a specific Greek work, *chrematistike*, that characterized the practice of money-making commercial exchange in ancient Athens. Landed property and mobile property frequently coexisted in the late medieval and early modern epochs. Landowning gentlemen were not immune from profit-making enterprises. The most famous proponent of commercial liberty, Adam Smith, praised the landed nobility for their integrity and denounced merchants for their self-interested motives in *Wealth of Nations*.<sup>948</sup> The important point for the purposes of this dissertation is that Burke addresses *both* conceptions of property in his theory of political economy, demonstrating its range and depth.

Different types of property in the common law tradition must be briefly identified. “Real property” is often characterized by the idea of an estate, in which lords and tenants

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<sup>947</sup> See J.G.A. Pocock, “The mobility of property and the rise of eighteenth-century sociology,” in Pocock, *Virtue, Commerce, and History*, 103-23.

<sup>948</sup> Smith, *Wealth of Nations*, vol. I, 265-67.

under feudalism entered into reciprocal agreements, and is associated with the ownership of land.<sup>949</sup> Different kinds of tenure established different types of conditions for the possession of property. The feudal tenure that signified the highest form of ownership was the “fee simple.”

“Personal property” is the notion of moveable goods, not estates. Personal property includes possessions owned by an individual that are not land. The traditional distinction between real and personal property was defined by the legal remedy afforded to the owner in a property dispute.<sup>950</sup> The remedy for the loss of personal property was compensation, while that for the loss of real property was the recovery of the land in question.<sup>951</sup> Burke refers to both kinds of common law property in his *Tracts relating to Popery Laws*, as will be discussed below.

Burke did not write a systematic treatise on property. Yet one can discern consistent patterns in his thought on the subject years before he drafted *Reflections*, Burke’s most famous writing defending landed property rights against the designs of Jacobin revolutionaries. Such themes emerged in the 1760s, and can be extracted from his writings that addressed an array of historical events in the latter half of the eighteenth century, including the *Nullum Tempus* affair; the promulgation of the anti-Irish penal laws; the French Revolution; and the trial and impeachment of Warren Hastings. These events will be addressed in the following chapters.

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<sup>949</sup> See Ugo Mattei, *Basic Principles of Property Law: A Comparative Legal and Economic Introduction* (Westport, CT: Greenwood Publishing Group, 2000), 8-13.

<sup>950</sup> Britain modernized its law regarding real property in 1925.

<sup>951</sup> See Robert Megarry et al., *The Law of Real Property*, 8th ed. (London: Sweet & Maxwell, 2012), 7.

Although some of Burke's writings on property lack theoretical rigor, they exhibit an underlying coherence. To Burke, property was a prescriptive custom rooted in the law of nature. While commercial property was the spring for public opulence, landed property was the backbone of a stable political community and fundamental to its security and prosperity. The protection of private property, in particular landed property, was essential for the preservation of constitutional and civilizational order.

### **b. The Origin of Property Rights: The Affair of *Nullum Tempus***

The affair of *Nullum Tempus* was one of the first political disputes in which Burke outlined the core of his beliefs about property rights. The controversy arose in 1767 and 1768 after Sir James Lowther, an affluent but obnoxious commoner, claimed he had a right to parts of the land of the third Duke of Portland's estates in Cumberland, including the socage manor of Carlisle and Inglewood Forest. William III's original grant of the Cumberland lands to the first Earl of Portland, an ancestor of the third Duke of Portland, did not originally identify the specific territory later occupied by the Portland family, even though the family had enjoyed possession of the lands for over sixty years.<sup>952</sup>

Lowther, through his attorney William Blackstone, employed the legal principle *nullum tempus occurrit regi*, "no time runs against the king," or, more specifically, "no length of time in possession may be pleaded against the claims of the Crown,"<sup>953</sup> to argue that he had a claim to the lands enjoyed by Portland. This common law doctrine asserted that the statute

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<sup>952</sup> See the following sources for background information on the *Nullum Tempus* affair: Langford, *Writings and Speeches*, II, 75-76; R.B. Levis, "Sir James Lowther and the Political Tactics of the Cumberland Election of 1768," *Northern History* 19 (1983): 108-27; Bourke, *Empire & Revolution*, 246-51; Lock, *Edmund Burke*, vol. I, 244-47; and Cone, *Age of the American Revolution*, 162, 164-65.

<sup>953</sup> Langford, *Writings and Speeches*, II, 76.

of limitations did not apply to the land claims of the Crown. Thus an individual could not declare a property right based on historical precedent and usage, and settled through years of prescription and custom, if the monarch sought to use the land. Lowther wielded this reasoning to justify his use of a Treasury-issued grant that enabled him to lease the disputed lands.

Like many other historical events in Burke's public career, extenuating political circumstances complicated the nature of the *Nullum Tempus* affair. Between three hundred and four hundred freehold tenants lived at Inglewood Forest. Consistent with traditional standards, it was expected that one of their votes in county elections would be given to the candidate supported by their landlord. More so, the third Duke of Portland was a peer associated with the Rockingham Whigs, and was critical of the activities of Lord Bute under the reign of King George III. Lowther was the son-in-law of Bute. Lowther's control of the disputed lands would have allowed him to exert political influence against Portland's preferred candidate in the upcoming election of 1768 and fulfill his strategy for political control of the counties of Cumberland and Westmorland. Political considerations aside, however, Lowther's claim to the lands was not baseless on strict legal merits. There was a reasonable case to be made that he deserved possession of the property.

The Rockingham Whigs, an opposition party at the time, exploited this moment as an occasion to defend landed property claims against the prospect of monarchical aggrandizement. They recognized that men of landed property in the House of Commons would be particularly concerned over the possibility of losing their property rights at the hands of the Crown. Sensing this political discontent, Sir George Savile, an MP in the House but not a Rockinghamite, proposed a *Nullum Tempus* bill on 17 February 1768 that asserted

the right to prescription against royal claims to property. The bill stipulated that the Crown could not take away private property sixty years after the issuance of a Treasury grant.

As expected by the Rockinghamites, independent country landowners in the House were attracted to the bill. Savile's measures lost by only twenty votes, 134-114, demonstrating that there existed an authentic concern over the potential for the Crown to encroach upon landowners. Savile was not discouraged by the defeat, and revisited the bill in the next session. In 1769, a revised bill passed into law that did not apply to existing cases, including the Duke of Portland's dispute with Lowther. Overall, the motivating impulse behind the Rockinghamites' efforts remained clear throughout the *Nullum Tempus* affair: it was a political opportunity to augment the right to private property against arbitrary claims of the Crown.

Burke typified these efforts by expressing his views on the controversy in a series of letters published in the London newspaper *Public Advertiser* under the pseudonym "Mnemon." Three drafts of them remain, the first two of which were published. Each piece is littered with rhetorical flourishes and exaggerated claims, thereby removing philosophic depth from his substantive commentary. The first letter is a scathing attack on ministerial despotism, and alerts the English people to royal threats to landed property. The second specifically references the *nullum tempus* doctrine and addresses the powers of the English monarchy. The third critiques the Crown's argument that the *Nullum Tempus* bill would prevent the monarchy from selling forests and wastes to individuals for the common good.

Even though the letters are cluttered with histrionic claims, they offer an early glimpse into Burke's beliefs on private property rights over twenty years before his famous condemnation of the French Revolution's war on landed property. For Burke, the authority of property rights was rooted in two layers: the law of nature and the power of prescription.

The right to private property gained authority with the passage of time. More so, the function of property rights was the preservation of political and constitutional order. By creating a license for arbitrary government and tyranny, the doctrine of *nullum tempus*, unconstrained by the rule of law, loomed as a dark threat to the class of propertied landowners

In the first letter in the *Public Advertiser*, published 24 February 1768, Burke curries favor with the English people. He highlights their patience in the face of political oppression perpetrated by “evil Ministers.”<sup>954</sup> Burke continues: “The People of England have seen an Administration formed, almost avowedly, under the Direction of a dangerous, because private and irresponsible, Influence” that projected “an outward Presidency of ministerial Despotism.”<sup>955</sup> The English people endured “the most scandalous and corrupt Profusion of public Money that ever was known in the Kingdom...”<sup>956</sup> Furthermore, they

...saw an Attempt made to render all the monied Property of the Kingdom loose and insecure, and to turn our National Funds from being supports of Public Credit into Instruments of ministerial Power, and to take away that Dependence upon Law which had been in all Ages the great source of our domestic Happiness...<sup>957</sup>

Burke is laying the groundwork for his criticism of *nullum tempus* by leveling general charges against the perceived unchecked growth of the Crown. To Burke, ministers had corrupted public finance and, more important, undermined the rule of law. Later in the piece he calls *nullum tempus* a “tyrannical Principle” and a “practical Menace to all Landed Property.”<sup>958</sup> The principle behind the Treasury grant to Lowther gave “A SHOCK TO

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<sup>954</sup> Langford, *Writings and Speeches*, II, 77.

<sup>955</sup> Langford, *Writings and Speeches*, II, 77.

<sup>956</sup> Langford, *Writings and Speeches*, II, 77.

<sup>957</sup> Langford, *Writings and Speeches*, II, 77.

<sup>958</sup> Langford, *Writings and Speeches*, II, 78.



THE WHOLE LANDED PROPERTY OF ENGLAND,”<sup>959</sup> as Burke stressed in capital letters.

*Nullum tempus* signaled the threatening attempt to “revive the Doctrines of a dispensing Power, State necessity, Arcana of Government, and all that clumsy Machinery of exploded Prerogative, which it had cost our Ancestors so much toil and Treasure, and Blood, to break to Pieces.”<sup>960</sup> Behind the layers of bombast in the article lie Burke’s stark opposition to the arbitrary enhancement of the English monarchy, as evidenced by his invocation of “exploded prerogative,” “tyrannical principle, and the threat to “dependence upon law.” In the end, however, this piece is wracked by exaggeration, distortion, and melodrama, lacking measured philosophic commentary about the affair.

If the reader clears away the bluster of his second article, published on 4 March 1768, he can more clearly apprehend Burke’s beliefs about the primacy of property. Burke first issues an explicit condemnation of the *nullum tempus* doctrine. The legal principle “has been long the Opprobrium of Prerogative, and the Disgrace of our Law.”<sup>961</sup> He continues, “The best Judges have always cast an Odium upon [*nullum tempus*], as being fundamentally contrary to natural Equity, and all the Maxims of a free Government.”<sup>962</sup> This rebuke rests its judgment on the authority of distinguished judges, and on the law of nature as a source of

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<sup>959</sup> Langford, *Writings and Speeches*, II, 78.

<sup>960</sup> Langford, *Writings and Speeches*, II, 77.

<sup>961</sup> Langford, *Writings and Speeches*, II, 80.

<sup>962</sup> Langford, *Writings and Speeches*, II, 80. The *Annual Register* of 1768 used almost the exact wording of Burke’s statements in this section of his letter in the *Public Advertiser*. *Annual Register* writes that *nullum tempus* “had long been the opprobrium of Prerogative, and the disgrace of the Law; and that the ablest Writers in that profession, and the best Judges, had always cast an odium on it, as being fundamentally contrary to natural Equity, and the maxims of a free Government...” See *The Annual Register, For the Year 1768* (London, J. Dodsley, 1786), 81. Remember, however, that Burke most likely ceded editorial control in July 1765, when he became the private secretary to the Marquis of Rockingham.

fairness. In his reference to “maxims,” Burke further vindicates his argument by appealing to the strength of *principled* claims against arbitrary government.

Burke conveys that *nullum tempus*, to the extent that the principle existed, traditionally was not and should not be exercised by the Crown’s ministers. The doctrine “has hitherto owed it’s existence principally to its Disuse.”<sup>963</sup> Burke compares *nullum tempus* to an “old Piece of Cannon” that was “seldom or never fired for fear of bringing down the Fortification for whose Defence it was intended.”<sup>964</sup> In making these remarks, he implicitly admits that the principle of *nullum tempus* might actually be legitimate. But Burke opposes the practical application of the legal maxim because, as mentioned, it violated notions of natural fairness and principles of free government in his judgment. Burke’s argument so far is a rudimentary blend of natural law and custom—the custom in this case of accepting the settled possession of property over time and thus *not* invoking the power of *nullum tempus*.

The significance of these remarks stretches beyond Burke’s beliefs about *nullum tempus*. In contending that the mere existence of the principle did not mean the Crown should pursue it in actuality, Burke anticipates his later commentary on the British Empire in which he argues that the British possessed political authority over Indians, Americans, and Irish but that such authority was accompanied by an ethic of responsibility. For Burke, a legitimate claim of right is bound tightly with the moral duty to use that right appropriately. Burke employs this logic in his comments on the *Nullum Tempus* affair. Even if the legal principle did exist, it did not sanction the Crown to exploit it for the purpose of self-aggrandizement. In other words, for Burke in this particular instance, the point is not that the abstract right to some claim fails to reflect the texture of concrete reality. It’s that even

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<sup>963</sup> Langford, *Writings and Speeches*, II, 80.

<sup>964</sup> Langford, *Writings and Speeches*, II, 80.

the *fact* of an existing right does not mean that the possessor of that right should use it indiscriminately and arbitrarily.

Burke's next passage integrates his remarks on the Crown's potentially irresponsible exercise of *nullum tempus* with broader concerns about property and the political independence of English voters. The Crown's ministers

had hoarded up those unmeaning Powers of the C---n, as a grand military Magazine, towards the breaking the Fortunes and depressing the spirit of the Nobility, for drawing the common People from their Reliance on the natural Interests of the Country to an immediate Dependance on the C---n, and principally for enabling Ministers, public or secret, to domineer and give the Law in all future Elections. They thought their Scheme would then be compleat, if the Votes of Freeholders, the very Means which our Ancestors had provided as the great Security to our Freedom, could be converted into the most certain Instruments of the public Servitude.<sup>965</sup>

Burke identifies three destructive consequences of *nullum tempus* that would affect the common good. First, the doctrine would endanger the landed property, wealth, and happiness of the nobility. Second, *nullum tempus* would shift the allegiance of the common people from their "natural interests" in Britain toward the Crown. By positioning the people against the monarchy, Burke indicates that these "natural" interests include the landed aristocracy, particularly landlords, who were responsible guardians of the property and its tenants. The propertied nobility also existed as a check against monarchical schemes to enhance royal power over the common people. The implication was that if the landed nobility were persecuted under the king's clenched fist of *nullum tempus*, the commoners would be deprived of this natural protection and sentiment of social attachment. Further, Burke is arguing that the people's immediate allegiance to a centralized power, such as the Crown, leads toward immediate dependence on that centralized power.

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<sup>965</sup> Langford, *Writings and Speeches*, II, 80.

The third consequences flows from the first two. If the landed nobility is crushed, and the people start to depend heavily on the Crown for political fulfillment, then executive ministers would possess the leverage necessary to skew elections and tighten political control over commoners in order to further augment its consolidated power structure. The votes of freeholders, tenants who held claims to property, would transform from bulwarks of freedom into instruments of political slavery, or “public Servitude.”

Burke does not elaborate on these claims. But his aforementioned remarks do draw a rudimentary outline of his basic conception of the relationship between property and government. Private property is indispensable to self-government. The destruction of the property of the landed aristocracy carries ramifications far beyond the aristocracy. The common people will lose the protection of the nobility and come to rely on the Crown. The Crown’s ministers will seize the opportunity to aggrandize their political power and perpetuate the political subjection of the commoners.

Burke continues by addressing the point made by ministers that the Treasury Board was simply executing the recommendation from the Surveyor General, the office at the time responsible for overseeing the management of the king’s lands, to grant Lowther’s lease to the lands.<sup>966</sup> Burke mocks the idea that they had no free agency over the affair. “The whole System moves, according to the preordained Laws of Despotism, in a Circle of strict *Necessity*,” he writes.<sup>967</sup> He dismisses the significance of the Surveyor General’s effort trying to prove that the disputed lands at one point had been under the possession of the Crown. “This is not difficult: All the Lands of the Kingdom have been so,” Burke insists.<sup>968</sup> He

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<sup>966</sup> Robert Herbert was the Surveyor General at the time.

<sup>967</sup> Langford, *Writings and Speeches*, II, 82.

<sup>968</sup> Langford, *Writings and Speeches*, II, 82.

concludes the letter by emphasizing the “Growth of arbitrary and despotic Principles in this Country,”<sup>969</sup> underlining his critique of *nullum tempus* as a cudgel for political persecution.

Burke’s third writing, which went unpublished, is also partisan. Yet the letter’s propriety is marked by a more moderate tone than the previous two letters, revealing even more clues into Burke’s beliefs about property in his early parliamentary career. The third letter addresses Lord Clare’s argument that the *Nullum Tempus* bill would thwart the Crown’s sensible plan to sell forest and wastelands to the public for the ostensible purposes of cultivating land and increasing provisions.

Burke confronts this argument in two steps. He first acknowledges that the idea of enclosure, the process by which open fields were sealed off as private property and transformed into larger estates,<sup>970</sup> contained merit for the sake of improvement. The development of these unused lands through the process of enclosure would produce a “great and solid Benefit” to England,<sup>971</sup> regardless of whether the lands were possessed by the Crown or the people. Burke insists, however, that the process be transparent, systematic, and impartial. Enclosure must be “carried on openly in the face of day, with a quiet and deliberate procedure, not in a manner that is clandestine surreptitious and precipitate.”<sup>972</sup> It “must be pursued with due Notice to and full consent of all the Parties; carried into execution by impartial reputable and intelligent commissioners...”<sup>973</sup> Burke concludes this section by consecrating the idea of land ownership. He writes, “Above all a sacred regard ought to be paid to property of what nature so ever, or in whatever hands it may be

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<sup>969</sup> Langford, *Writings and Speeches*, II, 82.

<sup>970</sup> See G.E. Mingay, *English Landed Society in the Eighteenth Century* (London: Routledge and Kegan Paul, 1963), 179-86.

<sup>971</sup> Langford, *Writings and Speeches*, II, 84.

<sup>972</sup> Langford, *Writings and Speeches*, II, 84.

<sup>973</sup> Langford, *Writings and Speeches*, II, 84.

found.”<sup>974</sup> The origin of property rights inheres in nature and acquires authority through prescription.

But Burke’s next step is to contend that the Crown’s ministers may abuse the principle of *nullum tempus* under the guise of enclosure. Through clever legal reasoning, they could exploit the process to wrest lands away from unsuspecting people. Forest lands stretched throughout counties, blending and touching the landed possessions and common land of Englishmen, including those from less fortunate circumstances. “Multitudes of the poor not less perhaps than some hundreds of thousands owe almost their whole being to their use of Common,” Burke writes, “for which they are acquainted with no other Title, than ancient undisturbed possession of their forefathers and the absolute necessity of the continuance of that possession for their own subsistence.”<sup>975</sup> The multitudes’ claim to this property is anchored in the principle of prescription—“ancient undisturbed possession”—and is strengthened by the material necessity to provide subsistence for themselves.

Burke insists that the poor, who, he notes, were illiterate and undereducated, would not be able to “cope with the united ability of the whole Corps of Crown Lawyers,” much less a “Hedge Attorney,” to defend their property rights.<sup>976</sup> He writes:

[S]uppose them all called upon at once to produce *matter of record*, and turned merciless manner out of their poor habitations, after having been first harrassed as to proprietors of a rank and opulence superior, who is it possessed of an Estate within Miles of any reputed Forest, that can assure himself his Lands were not included within some antient *perambulation*, to be found though no where else, yet in the Surveyor Generals Magazine?<sup>977</sup>

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<sup>974</sup> Langford, *Writings and Speeches*, II, 84.

<sup>975</sup> Langford, *Writings and Speeches*, II, 85.

<sup>976</sup> Langford, *Writings and Speeches*, II, 85.

<sup>977</sup> Langford, *Writings and Speeches*, II, 85.

Burke is underscoring the potential for the Crown to bend the definition of “forest” to include lands beyond its typical conception, thereby threatening the landed estates in the vicinity of forest lands. Unelected officials not bound by the law could manipulate legal doctrine to advance its pursuit for land, and for power. This danger was particularly acute for the poor, uninformed and lacking political influence.

The cultivation of private property, Burke notes, might actually produce a perverse incentive that could menace property owners in the long run. He explains how the *improvement* of land would attract the interest of the Crown, a glistening ornament that executive ministers could swipe under the pretense of *nullum tempus*. “It will avail him little that he may have fairly purchased it on a valuable consideration from those who in the Eye of the world had an unexceptionable Title, and on the opinion of the best lawyers of the time,” Burke writes, “that he has expended great sums in every sort of improvement in building, planting and meliorating the Soil.”<sup>978</sup>

Consequently, the amelioration of landed property would create the incentive for informers, private citizens who received a financial reward for the reporting of crimes,<sup>979</sup> to alert the government of its fruits. “The better [the land] is made, the greater Temptation it must be to informers,” Burke writes.<sup>980</sup> He continues: “The richer reward to the Instruments of such an administration as can have men capable of being informers as their instruments.”<sup>981</sup> *Nullum tempus*, then, was not simply a legal principle sanctioning the Crown to cultivate underdeveloped land for beneficent purposes, but also a weapon to brandish to

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<sup>978</sup> Langford, *Writings and Speeches*, IX, 85.

<sup>979</sup> See Frank McLynn, *Crime and Punishment in Eighteenth-century England* (Routledge: London, 2002), 21-22.

<sup>980</sup> Langford, *Writings and Speeches*, IX, 85.

<sup>981</sup> Langford, *Writings and Speeches*, IX, 85.

seize property already developed by private citizens. This treacherous prospect made it even more necessary in Burke's view to secure private claims to property.

Burke finishes the third letter by dismissing the assertion that the Crown's possession of new lands would create more revenue for the Treasury. Instead, the brazen exercise of *nullum tempus* would trigger "50,000 Lawsuits as a resource to the sinking Fund..."<sup>982</sup> This fund is where "so many thousand private fortunes have been lost..."<sup>983</sup> More so, the benefits of cultivating land and raising revenue would not be felt until "very Late posterity."<sup>984</sup> In these remarks, Burke signals his belief that *nullum tempus* would instigate far more financial and legal problems than it intended to solve, such as an avalanche of court cases.

Nevertheless, it is important to remember that the *foundation* for Burke's opposition to *nullum tempus* is not utilitarianism but the law of nature, its authority refined and cemented by prescription. When the Duke of Portland's allies tried in 1771 to apply Savile's revised 1769 bill to Portland's case, Burke stated in a debate:

I never felt so clear a conviction in my life, as that such a right of long possession is founded upon the eternal and immutable law of nature. Where the law does not provide against the disturbance of such a possession, it is defective, and ought to be amended.<sup>985</sup>

Burke said further, "I call upon the justice of this House to respect a title so held; to bring the mutual law of nature and of nations upon this subject, and establish it in that code upon your table."<sup>986</sup>

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<sup>982</sup> Langford, *Writings and Speeches*, IX, 86.

<sup>983</sup> Langford, *Writings and Speeches*, IX, 86.

<sup>984</sup> Langford, *Writings and Speeches*, IX, 86.

<sup>985</sup> Wright, *Cavendish's Debates*, vol. II, 318.

<sup>986</sup> Wright, *Cavendish's Debates*, vol. II, 318.



While Burke made intermittent appeals to nature in his *Public Advertiser*, in these comments the connection between prescription and the law of nature becomes locked and secured: nature was the foundation of property rights, and property rights obtained sanction through prescription. Property claims gain legitimacy over time through usage, cultivation, and custom. The germ of nature that furnished the original right to land grew over time, adding layer upon layer of authority to a point at which arbitrary claims to usurp it would no longer be legally tenable. Burke here also blends his conception of natural law with the idea of justice and the law of nations, which held that prescriptive property was legitimate in international law.<sup>987</sup> Years later, he would lambaste Admiral Sir George Brydges Rodney's ruthless British conquer of St. Eustatius for violating this law. "A general confiscation of all the property found upon this island...without discrimination, without regard to friend or foe..." he said.<sup>988</sup> This act of seizure was a "most unjustifiable, outrageous, and unprincipled violation of the laws of nations."<sup>989</sup> Burke's draft notes on the law of nations concerning St. Eustatius reflect his conception of property rights. Law is founded "1. in reason. 2. In precedent; and 3 In Authority of the Grave and Learned."<sup>990</sup> Right reason is the author of property rights.

The attempt to apply Savile's bill to Portland's case failed. The Court of Exchequer ended up supporting Portland's claim in 1776.<sup>991</sup> Yet, beyond Burke's comments on the law of nature and prescription, his other messages during the *Nullum Tempus* affair plant seeds

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<sup>987</sup> See Hugo Grotius, *Of the Rights of War and Peace*, vol. II (London: D. Brown, 1715), 77-79. See also Vattel, *The Law of Nations; or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns* (Philadelphia: P.H. Nicklin & T. Johnson, 1835); and Bourke, *Empire & Revolution*, 249.

<sup>988</sup> Langford, *Writings and Speeches*, IV, 71.

<sup>989</sup> Langford, *Writings and Speeches*, IV, 71.

<sup>990</sup> Langford, *Writings and Speeches*, IV, 91.

<sup>991</sup> Langford, *Writings and Speeches*, II, 86.

for his later economic commentary. For instance, Burke links the interests of the rich with the welfare of the poor. If the landed nobility crumples under the weight of *nullum tempus*, then the poor will suffer too, since they rely on the “natural Interests”<sup>992</sup> of the nobility for their protection. The poor will then be sucked into the Crown’s orbit to support its ambitions and schemes, and will end up becoming servile to its commands.

In other words, Burke does not indicate an inherent tension between the rich and the poor in his letters in the *Public Advertiser*. If anything, he insinuates a strong compatibility and codependency between two social classes. In Burke’s judgment, the true friction lies in the relationship between the monarchy and the landed nobility, and, consequently, the monarchy and the common people. There remained a fragile but steady tension between the propertied aristocracy and the Crown in Burke’s time in England. From Burke’s perspective, however, the destruction of landed property would allow the Crown to displace the role of the gentry, in turn currying favor with the commoners with a wink until they become wholly reliant on the King’s ministers for the exercise of their political agency. According to Burke, this would be a perilous development because it would engender a new enslaved class of dependents and concentrate power in the Crown.

Nine years after the 1771 debate, in a speech to the electors at Bristol, Burke made additional comments in relation to *nullum tempus* that penetrate deeper into his conception of the relationship between the state and the people. In the speech, Burke extols the virtues of Savile and discusses his legislative accomplishments, the two most noteworthy ones being his bill limiting the scope of *nullum tempus* and the Catholic Relief Act of 1778, which, among various provisions, relaxed property regulations on Catholics.<sup>993</sup> According to Burke, the

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<sup>992</sup> Langford, *Writings and Speeches*, II, 81.

<sup>993</sup> See the conclusion to this chapter.

*nullum tempus* bill “emancipated property,”<sup>994</sup> in turn suggesting that the protection and cultivation of private land was secured by limitations on royal prerogative.

Then Burke insists that by advancing both bills, Savile had “taught that grand lesson to government and subject,—no longer to regard each other as adverse parties.”<sup>995</sup> This statement appears to contradict the tension Burke intimates between the Crown and the landed nobility, and consequently the Crown and the people, in his letters in the *Public Advertiser*. One possible explanation is that Burke is attempting to show how the actions of legislators—in this case, the actions of Savile—may indeed be in a position to promote the well-being of their subjects rather than just themselves.

This explanation is bolstered by Burke’s further comments on the *nullum tempus* question in drafts of his writings. Legislative acts limiting the reach of *nullum tempus* “is a Law not of choice & expedience, but of the strictest Duty,” Burke writes. “It is a Debt from Legislature to the people.”<sup>996</sup> Lawmakers hold the solemn responsibility to enact bills that protect the right to private property. Burke does not justify this reasoning based on appeals to individual volition or political convenience but to moral principle, an implication that challenges interpretations of Burke that stress his expediency or utilitarianism.<sup>997</sup>

More so, Burke above characterizes the laws strengthening property rights as debts owed to the people. This comment provides further clues into his remark that the relationship between government and its subjects should not be seen as adversarial. Instead, Burke posits that a prospect of harmony can rise between the two entities if government

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<sup>994</sup> Langford, *Writings and Speeches*, III, 645.

<sup>995</sup> Langford, *Writings and Speeches*, III, 645.

<sup>996</sup> Sheffield Archives, Wentworth Woodhouse Muniments, Edmund Burke Papers, 1:16. See also Burke, *Empire & Revolution*, 249n164.

<sup>997</sup> See Chapter 1’s discussion of interpretations of Burke by Buckle, Morley, and Stephen.

sees its responsibility as serving the people. Legislators are elected by voters. Consequently, legislators hold the duty to pass laws that promote the interests of those whom they represent. Burke believed that Savile's *Nullum Tempus* bill did just that.

In addition, Burke's attempt to paint a unity of interest between government and the people illustrates that Burke did not impose strict conceptual boundaries between the state and its subjects. Both were part of a wider social and political mosaic that could not be compartmentalized into isolated units. The activities of one inevitably impacted those of the other. They were not "adverse parties" but mutually dependent actors, fostering a relationship ultimately built on trust, not voluntary contracts. This insight carries profound implications for Burke's reflections on the East India Company, as will be discussed in Chapter 8.

Burke makes additional insights in the *Public Advertiser* that anticipate other themes about political economy he addresses later in his career. For example, his statements on monied property presage his later commentary on the same issue in *Reflections*. In his first letter addressing the *Nullum Tempus* affair on 24 February 1768, Burke draws attention to the corrupting influence of this particular type of property in politics. Under the Chatham administration from 1766-1768, the English people "saw a Course of the most scandalous and corrupt Profusion of public Money that ever was known in the Kingdom..."<sup>998</sup> In this section Burke refers to the lavish patronage handed out by Lord Chatham two years prior. Recall his previous remarks, extended here, in insisting that the English

saw an Attempt made to render all the monied Property of the Kingdom loose and insecure, and to turn our National Funds from being Supports of Public Credit into Instruments of ministerial Power, and to take away that dependence upon Law which had been in all Ages the great Source of our

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<sup>998</sup> Langford, *Writings and Speeches*, II, 77.

domestic Happiness, and that firm reliance upon Public Faith which has been the Means of making us respectable to all the World.<sup>999</sup>

For Burke, the abundant circulation of financial means for nefarious ends in government dangerously strengthened the power of state. Observe also that the exploitation of national funds for ministerial schemes, in his judgment, undermined the salutary function of British law. These insights would become even more relevant in his later writings and speeches such as *Speech on Economical Reform* and *Reflections*.

Burke also links the effects of augmenting the Crown and ministerial despotism with the public psyche. The corruption of ministers would erode the rule of law, sapping the English's "happiness" and "Public Faith," as he says above. Burke further states that the tyrannical exercise of *nullum tempus* would sink the "Spirit of the Nobility"<sup>1000</sup> in his second letter. Burke's effort linking a debate about property with faith and spirit highlight his understanding that disputes about land and economics occur in wider contexts, in this case being religious, legal, and psychological ones.

Without a doubt, the substance of Burke's three public letters is deprived of philosophic rigor because of the writings' use of populist rhetoric. Burke constantly massages the ego of the English people. His articulation of the *nullum tempus* threat drowns in melodrama. He plays off the anxieties of the commoners to assert his points. He is guilty of stoking a situation that was, at root, a property dispute between two rich individuals—and one that was a county issue, not a national one. The controversy certainly did not inspire confidence in the ministry or the Crown.<sup>1001</sup> In short, Burke's *nullum tempus* essays are

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<sup>999</sup> Langford, *Writings and Speeches*, II, 77.

<sup>1000</sup> Langford, *Writings and Speeches*, II, 81.

<sup>1001</sup> See Levis, "Sir James Lowther," 125.

nowhere near among Burke's strongest pieces of writing or argumentation, and are not shining jewels of his statesmanship.

These realities raise a hermeneutical question: should Burke's consistent invocations of equity and justice be interpreted as a serious expression of Burke's authentic beliefs about property, or should they be dismissed as politicized prattle with little redeeming philosophical value? Was Burke appealing to principle in order to advance partisan political objectives, a strategy not unusual in the House of Commons? Or was he calling attention to equity and principle because he realized he had the weaker legal argument? Burke did admit that Lowther had defended himself in a "moderate and decent manner."<sup>1002</sup>

If one can distinguish Burke's more meaningful remarks from his rhetoric, his *nullum tempus* letters should be taken seriously because they furnish clues about his thought on property that would gain sharper expression deeper into his career. Burke recognized that landed estates held social utility. They were pillars of constitutional order and tamers of royal prerogative. Furthermore, private property was rooted in nature. The protection of property through legislation was "the Law of Nature, not made, but only explained & enforced by positive statute."<sup>1003</sup> Notice Burke's subtle rejection of legal positivism: positive law does not create natural law but can only express and enforce it. The "principle of prescription"<sup>1004</sup> also was a manifestation of the law of nature. These conclusions laid, if roughly and shallowly, the seeds for his later statements denouncing the French revolutionaries' usurpation of landed property.

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<sup>1002</sup> Burke to the Marquess of Rockingham, [16 February 1771], in *Correspondence of Edmund Burke*, II, 197.

<sup>1003</sup> Bourke, *Empire & Revolution*, 249n164.

<sup>1004</sup> Bourke, *Empire & Revolution*, 249n164.

*The Church Nullum Tempus Bill*

Burke's beliefs about *nullum tempus* become even more intriguing in the parliamentary debate over the property rights of the Anglican Church. In 1772, four years after George Savile introduced his bill, another *nullum tempus* law was proposed for the purpose of limiting Church claims to property that had been alienated in the past. The bill reflected the anti-clerical sentiment that lingered in the House of Commons at the time, and also evinced the logical outgrowth of the opposition's efforts in Savile's original *nullum tempus* law.<sup>1005</sup>

Although Burke is known as the foremost advocate of church establishment in light of his condemnation of the French Revolution, in this particular case he opposes the idea that the religious institution should be legally authorized to exercise *nullum tempus*. In doing so, he prioritizes the primacy of prescriptive property rights over ecclesiastical claims to land.

In his parliamentary speech on the Church *Nullum Tempus* bill, Burke first attempts to highlight his credentials as a resolute defender of the Church. He affirms that the institution's property did hold a privileged position in British society. Consequently, in his judgment, the Church should be able to preserve its affluence, particularly in a wealthy nation like Britain. "A *poor* Clergy in an *opulent* nation can have little correspondence with the body it is to instruct, and it is a disgrace to the publick sentiments of religion," Burke says.<sup>1006</sup> The Church deserves a prominent role in a state. In addition to brandishing his pro-Church sympathies, Burke here insinuates that a similar level of opulence would enhance channels of communication between the Church and the lay people. This is why Burke starts the paragraph in his speech by writing that there "ought to be a symmetry between all the parts

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<sup>1005</sup> See Langford, *Writings and Speeches*, II, 364-65.

<sup>1006</sup> Langford, *Writings and Speeches*, II, 365.

and orders of a State.”<sup>1007</sup> Just as Britain as a nation had the power and ability to maintain its status as a wealthy country, so should the Church be able to protect its land holdings.

Burke’s comments were made in light of one powerful objection to the bill that was far from unreasonable at the time: affluent landowners would be motivated to combine and use a torrent of litigation to legally take away the glebe and tithes of poorer clergymen. While Savile’s *Nullum Tempus* bill illuminated the lurking chance that the Crown could use *nullum tempus* to tyrannize the weak, the church’s *nullum tempus* powers would be *defending* the weak—poor, vulnerable clergymen—against strong, powerful landowners.<sup>1008</sup>

In making his “symmetry” comment above, Burke tries to assuage these concerns by avowing his allegiance to the majesty of the Church. Burke indicates he would not be supporting the bill if he thought it would cripple the institution’s stature and opulence. On a deeper level, Burke’s invocation of symmetry hints at his view that the scales of wealth should not tip too heavily in the direction of one particular social class to the detriment of others. A careful equilibrium in communities persists, and modes of communication strengthened, when all social institutions benefit from the diffusion of wealth.

After contending that the bill would not weaken the Church, Burke presents his main argument. Laws had been passed limiting the property claims of the laity and the Crown. This legislation did not destroy the rights of those limited by it, however, but simply protected property rights for all, Burke suggests. Therefore, the question concerning the

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<sup>1007</sup> Langford, *Writings and Speeches*, II, 365.

<sup>1008</sup> See Robert Bisset, *The History of the Reign of George III, to the Termination of the Late War*, vol. I (Philadelphia: Levis & Weaver, 1810), 426; John Adolphus, *The History of England, from the Accession of King George the Third, to the Conclusion of Peace in the Year One Thousand Seven Hundred and Eighty-Three*, vol. I (London: T. Cadell and W. Davies, 1810), 451; and Langford, *Writings and Speeches*, II, 365n3.



current Church *Nullum Tempus* bill was not “the property of the Church, or its security.”<sup>1009</sup> Rather, it was “whether you will render the principle of prescription a principle of the Law of this Land, and incorporate it with the whole of your jurisprudence; whether, having given it first against the Laity, then against the Crown, you will now extend it to the Church...”<sup>1010</sup> Burke’s position that the principle of prescription should be applied across all political and social orders implies that his argument in favor of the bill rests partly on the touchstones of equality and equity.

Burke merges this reasoning with his aforementioned comments on the authority of prescriptive rights being derived from the law of nature. “If the principle of prescription be not a constitution of positive law, but a principle of natural equity,” he writes, “then to hold it out against any man, is not doing him injustice.”<sup>1011</sup> In other words, protecting the individual right to prescription is not unjust toward those who are limited by law to making claims to their property. The Church *Nullum Tempus* bill “is to take nothing from her but the power of making herself odious.”<sup>1012</sup> Moreover, “If she be secure herself, she can have no objection to the security of others.”<sup>1013</sup> Even if the Church does occupy a privileged place in English society, this position still does not warrant the denial of prescriptive property rights to others.

Burke’s additional reasoning is more practical but convoluted. He argues that the distinction between ecclesiastical land and lay property had broken down over time through a series of a statutes and historical developments. Burke continues by saying that the layman

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<sup>1009</sup> Langford, *Writings and Speeches*, II, 366.

<sup>1010</sup> Langford, *Writings and Speeches*, II, 366.

<sup>1011</sup> Langford, *Writings and Speeches*, II, 366.

<sup>1012</sup> Langford, *Writings and Speeches*, II, 367.

<sup>1013</sup> Langford, *Writings and Speeches*, II, 367.

may take legal possession of land and tithes through prescription: "...[T]here was an object, which a Layman might become seised of equitably and *bona fide*; there was something, on which a prescription might attach, the end of which is to secure the natural well-meaning ignorance of men, and to secure property by the best of all principles, continuance."<sup>1014</sup>

Burke reiterates his conviction that the passage of time enlarges the legitimacy and authority of the property. Notice Burke also stresses that the initial possession of property is legitimate if purchased in *bona fide*, or good faith, for value, a traditional English legal principle.<sup>1015</sup> He delivers this point earlier in the speech as well. "[P]rescription can only attach on a supposed *bona fide* possession," he writes.<sup>1016</sup>

The significance of Burke's speech regarding the Church *Nullum Tempus* bill is that he confers greater value on the right to prescriptive property than on the right of Church claims to land. For Burke, all subjects should be equally protected against the abuse of *nullum tempus* doctrine, regardless of whether it was carried out by the Crown or a religious institution. Burke claims he did not desire to weaken the Church in the speech; he says that he wished to "enlarge"<sup>1017</sup> its possessions, honors, dignities, and privileges. But he suggests that this enlargement is unjust when, in doing so, it hijacks property from the people.

Burke's speech exhibits continuities with his earlier letters in the *Public Advertiser* denouncing *nullum tempus* doctrine, including the insight that the role of nature and equity grants authority to prescription. Yet Paul Lucas interprets Burke's aforementioned quotation about whether one would "render the principle of prescription a principle of the Law of this

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<sup>1014</sup> Langford, *Writings and Speeches*, II, 367.

<sup>1015</sup> See Andrew Burrows, ed., *English Private Law*, 3<sup>rd</sup> ed. (Oxford: Oxford University Press, 2013), 1085.

<sup>1016</sup> Langford, *Writings and Speeches*, II, 366.

<sup>1017</sup> Langford, *Writings and Speeches*, II, 367.

Land” through a lens of legal positivism. “...Burke clearly conceded that prescription was a gift of parliamentary statute, not an ancient right of Englishmen,” Lucas states.<sup>1018</sup> As evidenced in Burke’s letters and in his private correspondence, however, Burke’s conception of prescription was determined by the authority of usage over time and grounded in the law of nature. It was not a “gift” provided by Parliament but a reflection of moral truths antecedent to government sanction. This is why Burke remarked in his Church *Nullum Tempus* bill speech that the “principle of prescription” was a “principle of natural equity,” as mentioned above. The role of Parliament, in Burke’s judgment, was to recognize this law and make it a legally enforceable principle. More so, as Francis Cavanan points out,<sup>1019</sup> Burke does not use the phrase “rights of Englishmen” in his discussion of *nullum tempus*, as he had in his speeches over the war with America.

In sum, Burke’s remarks on *nullum tempus* doctrine regarding both affairs, stripped of rhetoric and bombast, reveal the flesh and bone of the foundation for his philosophy of political economy: the right to private property was rooted in the law of nature and gained authority through prescription. It was the cornerstone of constitutional liberty and social order. At no time did this principle become more manifest in Burke’s economic thought than in his commentary on the penal laws that oppressed the Irish Catholic people.

### c. Burke, Ireland, and the Popery Laws I: *Address and Petition of the Irish Catholics*

Burke’s expressions of sympathy toward Ireland extended beyond his advocacy of

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<sup>1018</sup> Paul Lucas, “On Edmund Burke’s Doctrine of Prescription; Or, an Appeal from the New to the Old Lawyers,” *The Historical Journal* 11 (1968): 55n36.

<sup>1019</sup> Canavan, *Political Economy of Edmund Burke*, 62.

free trade measures in the 1770s. He was also an unwavering defender of Irish private property rights. Starting in the 1760s, Burke addressed the relationship between Irish property and the penal laws, the set of regulations intended to thwart the growth of Roman Catholicism, or “popery,” by restricting Irish Catholics’ claims to landed estates. Two of Burke’s writings during this decade, *Address and Petition of the Irish Catholics* and *Tracts relating to Popery Laws*, offer sharper and more convincing insights into the critical role of property in a political community in comparison to his *nullum tempus* commentary. In both pieces, Burke repudiates the codes’ restrictions on Irish property for tearing apart families, discouraging industry and progress, and threatening social order.

*Address and Petition*, which Burke drafted in 1764, will be investigated in this section. Burke begins the piece by emphasizing how the absence of property rights prevented the Irish from achieving an independent spirit of labor. He writes that the Irish are “a numerous and very industrious part of your majesty’s subjects...”<sup>1020</sup> Yet, Burke continues, “by no industry, by no honest endeavours on our part, is it in our power to acquire or to hold, almost any secure or permanent property whatsoever; we are not only disqualified to purchase, but are disabled from occupying [leasing] any land even in farm, except on a tenure extremely scantied both in profit and in time...”<sup>1021</sup> The limitations on possessing land thwarted the capacity of the Irish to enlist their hard work in the service of their property holdings.

Thus Irish efforts to cultivate land would be fruitless enterprises. Burke writes:

...[I]f we should venture to expend any thing on the melioration of land thus held, by building, by inclosure, by draining, or by any other species of improvement, so very necessary in this country; so far would our services be from bettering our fortunes, that these are precisely the very circumstances,

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<sup>1020</sup> Langford, *Writings and Speeches*, IX, 430.

<sup>1021</sup> Langford, *Writings and Speeches*, IX, 430.

which, as the law now stands, must necessarily disqualify us from continuing those farms, for any time in our possession.<sup>1022</sup>

Legal obstructions to acquire, hold, and cultivate property hampered the Irish's ability to "bette[r]" their fortunes—a comment similar to Adam Smith's famous observation over a decade later in *Wealth of Nations* that man desired to "better his own condition,"<sup>1023</sup> even in the teeth of regulatory obstacles. Burke's emphasis here on the merit of land *improvement* underscores his embrace of material progress as a worthy human goal. "...[T]he endeavours of our industry are thus discouraged..." he continues,<sup>1024</sup> which hurts "national prosperity."<sup>1025</sup>

Burke contends that the obstruction of industry makes smaller "your majesty's revenue."<sup>1026</sup> It is significant that Burke links the *enhancement* of industrious activity and, ostensibly, the *relaxation* of property regulations, with increased opportunities for national revenue. Rather than arguing that more regulations yield more revenue, Burke posits that fewer regulations spur on greater agricultural improvement, which would, in his view, generate more receipts for the national treasury. In other words, there are shades and inklings in this logic that anticipate the twentieth-century debate over whether greater tax rates increase or decrease tax revenue.<sup>1027</sup> In this context, Burke appears to support the notion that fewer economic regulations create more tax revenues, an idea he also expressed in *Speech on American Taxation* when he said that "too many are apt to believe regulation to be

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<sup>1022</sup> Langford, *Writings and Speeches*, IX, 430.

<sup>1023</sup> Smith, *Wealth of Nations*, vol. I, 540.

<sup>1024</sup> Langford, *Writings and Speeches*, IX, 430.

<sup>1025</sup> Langford, *Writings and Speeches*, IX, 430.

<sup>1026</sup> Langford, *Writings and Speeches*, IX, 430.

<sup>1027</sup> Consult the American debate over the so-called Laffer curve. See Jude Wanniski, "Taxes, revenues, and the 'Laffer Curve,'" *The Public Interest* 50 (1978): 3-16.

commerce, and taxes to be revenue.”<sup>1028</sup> He also displays similar logic in his examination of the East India Company.<sup>1029</sup>

Burke in *Address and Petition* then highlights the thicket of injurious legal consequences that accompanied the strict enforcement of the penal laws relating to property. Informers would seek out the slightest violators, endeavoring to discover that the Irish had purchased any portion of land—even the smallest amount—beyond that stipulated by the regulations. This frenzied dash to expose possible lawbreakers would produce “daily ruin of several innocent, industrious families,”<sup>1030</sup> litigious impulses cementing into political and economic oppression.

Burke’s picture of this tense atmosphere demonstrates his belief that the penal laws invited a counterproductive form of vigilance. Because excessive property regulations galvanized informers into uncovering seeming violators of the penal laws, the regulations created a social environment of animosity and distrust between Irish Catholics and Protestant informers. Instead of engaging in an “honest occupation,” informers “make it their employment to pry into our miserable property, to drag us into the courts, and to compel us to confess on our oaths...”<sup>1031</sup> For Burke, the consequences of the harsh enforcement of the penal laws transcended the material loss of land. The laws produced bitter relations between different religious groups, fostering a climate of social disorder.

The penal laws also shredded the fabric of the Irish family from Burke’s perspective. This insight is fundamental to his critique of the laws. The codes’ prohibition of land inheritances impaired the relationships between fathers and their sons, threatened the

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<sup>1028</sup> Langford, *Writings and Speeches*, II, 432.

<sup>1029</sup> See Chapter 8.

<sup>1030</sup> Langford, *Writings and Speeches*, IX, 430.

<sup>1031</sup> Langford, *Writings and Speeches*, IX, 430.

stability of the household, and caused wretched poverty. By conforming to the Anglican Church, Burke writes, a son could

deprive the Roman catholic father of that free and full possession of his estate, that power to mortgage or otherwise dispose of it, as the exigencies of his affairs may require; but shall himself have full liberty immediately to mortgage or otherwise alienate the reversion of that estate, from his family for ever; a regulation by which a father, contrary to the order of nature, is put under the power of his son, and through which an early dissoluteness is not only suffered, but encouraged, by giving a pernicious privilege, the frequent use of which, has broken the hearts of many deserving parents, and entailed poverty and despair, on some of the most ancient and opulent families in this kingdom.<sup>1032</sup>

The enervation of inheritance laws imperils the structure of the family, waters down the social affections that bind the father to the son, and breeds destitution and severe psychological anxieties. The Roman Catholic father will be deprived of his land if his son rejects his father's religion and embraces the Protestant faith. The family hierarchy is then reversed: the son ascends to the summit of the family as its authoritative figure, while the father is lowered beneath him, pitting one against the other. Burke maintains that this transposition breaches the "order of nature" that traditionally reserved the head of the household and estate to the father. In other words, for Burke, the penal laws pervert nature by cracking the patriarchal infrastructure of Catholic families.

The economic and social consequences ran deeper, cutting the veins and arteries that held the family, and not just the father-son relationship, together. At the father's death, there was no assurance that his property would be distributed to his children in a fair manner.

...the melancholy and almost certain prospect of leaving neither peace nor fortune to his children; for by that law, which bestows the whole fortune on the first conformist, or, on non-conformity, disperses it among the children, incurable jealousies and animosities have arisen; a total extinction of principle and of natural benevolence has ensued; whilst we are obliged to consider our own offspring and the brothers of our own blood, as our most dangerous enemies; the blessing of providence on our families, in a numerous issue, is

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<sup>1032</sup> Langford, *Writings and Speeches*, IX, 431.

converted into the most certain means of their ruin and depravation; we are, most gracious sovereign, neither permitted to enjoy the few broken remains of our patrimonial inheritance, nor by our industry to acquire any secure establishment to our families.<sup>1033</sup>

Burke's illumination of the *non*-economic effects of feeble inheritance laws is explicit in these remarks. Envy swarms the family when the first conformist son rejects the Catholic Church to reap the benefits of property. Resentment, covetousness, and suspicion spread amongst the children. The unfair claim to property by the conformist son offends "principle" and "natural benevolence."

Furthermore, family members are transformed into "dangerous enemies." Hayek's conception of catallaxy, one that Burke anticipated,<sup>1034</sup> stressed the phenomenon that commerce turns bitter rivals into social partners. According to Burke in *Address and Petition*, the penal laws produced the opposite effect. The sweetness of family life descends into rivalry because the laws discourage the inheritance and security of landed property. Ultimately, the sturdy edifice of the family structure becomes dented and bruised, diluting the natural social attachments that developed in household estates within generations and from one generation to the next.

The remaining content of *Address and Petition* is a litany of rhythmic overtures of Irish obedience to and appreciation of the Crown. Burke admits that the perpetuation of the penal laws would be justified if it could be proven that the Irish had started a treasonous insurrection or conspiracy.<sup>1035</sup> Yet Burke pleads that the Irish had showed chords of fidelity

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<sup>1033</sup> Langford, *Writings and Speeches*, IX, 431.

<sup>1034</sup> See "Rationalism and the Hayek Connection," Chapter 4.

<sup>1035</sup> Langford, *Writings and Speeches*, IX, 432. If "one treasonable insurrection, or one treasonable conspiracy can be proved; if amongst our clergy, one seditious sermon can be shewn to have been preached; we will readily admit that there is good reason for continuing the present laws in all their force against us..."



to the English monarchy. “[W]e therefore indulge the more sanguine hopes, that the mitigation of [the penal laws], and the establishment of peace, industry and universal happiness, amongst all your loyal subjects,” Burke writes, “may be one of the blessings of your majesty’s reign.”<sup>1036</sup> Burke finishes the piece by appealing to notions of justice and beneficence.

The striking implication about Burke’s advocacy for stronger property rights and inheritance laws is that his efforts were intended to help the *less affluent* party—in this case, the Irish. From the modern perspective, the preservation and augmentation of inherited property is often assumed to strengthen the power and prestige of the rich.<sup>1037</sup> But Burke’s endorsement to repeal the property restrictions of the penal laws is dedicated to furthering the interests of the Irish who *lacked* the power of the Protestant elite, in no small part because the former did not possess the legal right to acquire and pass along property to their sons.

Burke’s advocacy of property rights illustrates a crucial lesson animating his understanding of the relationship between politics and economics. Property rights benefit the disempowered. The economic freedom to purchase land amplifies the political autonomy and independence of the less fortunate. The acquisition of land instills a spirit of responsibility, independence, and stewardship on the part of the dispossessed. Property encourages industry. It inculcates a sense of ownership, literally and figuratively. In short,

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<sup>1036</sup> Langford, *Writings and Speeches*, IX, 433.

<sup>1037</sup> See, for example, Robert Reich, *Saving Capitalism For the Many, Not the Few* (Vintage Books: New York, 2016); and Thomas Piketty, *Capital in the Twenty-First Century*, trans. Arthur Goldhammer (Cambridge, MA: Harvard University Press, 2014).

landed property does not simply aid the rich but helps those with scant political or economic means.

One must keep in mind that Burke's efforts in *Address and Petition*, like in many of his other writings and speeches, fuse philosophic commentary with political shrewdness. He was aware that categorical support in favor of fundamental political change would stir unease among prominent Irish Protestants who disapproved of granting Irish Catholic greater civil rights.<sup>1038</sup> It is no coincidence, then, that Burke in *Address and Petition* continually proclaims the Irish people's loyalty to the Crown while proposing non-political measures, principally those advocating stronger protections for property ownership, to alleviate the condition of Irish Catholics.

*Address and Petition* was not immediately presented to the Lord Lieutenant, the representative of King George III. Yet the petition was not a futile effort. The Irish Catholic Association, an advocacy group, submitted it to the Lord Lieutenant years later, most likely in October 1777.<sup>1039</sup> Both Savile's Catholic relief bill, which was enforceable only in England and Wales, and an additional relief bill introduced in the Irish Parliament passed in 1778.<sup>1040</sup> Dr. John Curry, a correspondent of Burke who helped found the Catholic Association, congratulated him on his role in advancing the reasoning behind the bill:

That address and petition which you may remember you drew up and left with me, in the year 1764, was found by us here so excellent a performance in every respect, and that it set forth our grievances in so affecting a manner, that we happily resolved to begin our humble suit, by laying it before our viceroy in due form, and requesting he would transmit it to be laid before his majesty; which we are assured was done, and made such an impression as was, in a great

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<sup>1038</sup> See Cone, *Age of American Revolution*, 345-46.

<sup>1039</sup> Langford, *Writings and Speeches*, IX, 429. See A. Paul Levack, "Edmund Burke, His Friends, and the Dawn of Irish Catholic Emancipation," *The Catholic Historical Review* 37 (1952): 398-99n62 for a description of the historical uncertainty over when the petition was specifically sent. See also Cone, *Age of the American Revolution*, 345.

<sup>1040</sup> See the conclusion to this chapter.

measure, productive of what has since followed, productive of what has since followed, far beyond expectation.<sup>1041</sup>

When the Lord Lieutenant was asked for his reaction to the petition, he replied that “it is impossible to know the situation of persons of that persuasion in this country without feeling for them and wishing to remedy their distress...”<sup>1042</sup> He continued: “...[B]ut such is the present disposition that the subject should be treated with the utmost delicacy and precaution.”<sup>1043</sup> The Lord Lieutenant remained noncommittal at the time on plans for Catholic reform.

While Burke’s *Address and Petition* was not the singular driving force that sparked the repeal of the penal laws, it did play a meaningful role in outlining the arguments that precipitated their reform. The writing, however, simply touched the surface of Burke’s beliefs about the nature and consequences of the penal laws. Burke elaborates on these deeper implications in a longer writing that confronts issues unexplored in *Thoughts and Details*, or in his debates on foreign and domestic trade.

#### d. Burke, Ireland, and the Popery Laws II: *Tracts Relating to Popery*

##### *Laws*

##### *Landed Property*

Burke broadens and deepens the themes in *Address and Petition* about the detrimental effects of the penal laws in his *Tracts relating to Popery Laws*, which he most likely started drafting in the early 1760s.<sup>1044</sup> Burke wrote the tracts perhaps with the intention of publishing them, or to equip himself with the knowledge and information necessary to

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<sup>1041</sup> Curry to Burke, 18 August 1778, in Fitzwilliam and Bourke, *Correspondence*, II, 238.

<sup>1042</sup> Langford, *Writings and Speeches*, IX, 429.

<sup>1043</sup> Langford, *Writings and Speeches*, IX, 429.

<sup>1044</sup> See Langford, *Writings and Speeches*, IX, 434 and Lock, *Edmund Burke*, vol. I, 194.

provide informed judgment on Anglo-Irish relations to William Gerard Hamilton, an English statesman and Chief Secretary to the Lord Lieutenant at the time, for whom Burke served as secretary.<sup>1045</sup> *Tracts* was never published. Yet they offer a more comprehensive statement than *Address and Petition* on questions concerning the advantages of property ownership and the relationship between property and family.

Out of around four million people living in Ireland at the time, approximately seventy-five percent were Catholic.<sup>1046</sup> The penal laws issued a complicated series of regulations that confined their liberties in order to inhibit popery, drain their capacity to politically threaten the English monarchy, and preserve the power of the Protestant Ascendancy, the elite group of Protestant landowners in Ireland. The laws imposed civil penalties rather than criminal punishments. They were not established systematically or deliberately, and were enforced to varying degrees.

Still, the popery laws affected all aspects of Irish Catholics' lives, and stood as a dark symbol of political and religious oppression. "...[S]carcely any human relationship or area of human activity escaped regulation..." historian Robert E. Burns writes regarding the laws.<sup>1047</sup> Catholics could not hold public office or vote. They were banned from serving in the army or in the legal profession. They were prohibited from bearing arms and studying at European universities. The laws attempted to oppress Catholic professionals; the Catholic

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<sup>1045</sup> See Langford, *Writings and Speeches*, IX, 434.

<sup>1046</sup> Langford, *Writings and Speeches*, III, 377.

<sup>1047</sup> Robert E. Burns, "The Irish Popery Laws: A Study of Eighteenth-Century Legislation and Behavior," *Review of Politics* 24 (1962): 495.

Church; Jacobite<sup>1048</sup> sympathies; and Catholics who possessed land.<sup>1049</sup> This section will focus on the first and last groups, with heightened attention to the latter, because of their direct relevance to Burke's conception of political economy.

The 1704 Act to Prevent the Further Growth of Popery was perhaps the most draconian penal law because it placed severe limitations on Catholic property rights. Unless they conformed to the Established Church, Irish Catholics were banned from inheriting landed estates from Protestant owners; holding a tenant lease for more than thirty-one years; and exercising the right of primogeniture, the passing of lands to the eldest son, which in effect would reduce the size of the Catholic property holdings over time. The intention of this final provision was to cripple the power of the Catholic landed aristocracy.<sup>1050</sup> A subsequent act in 1709 augmented the 1704 law by empowering Protestant informers to claim land held illegally by Catholics.

The decline of property owned by Catholics under the penal laws was sharp. Around fourteen percent of profitable land in Ireland remained under the ownership of Catholics in the early eighteenth century.<sup>1051</sup> Yet the holdings of Catholics diminished in the century so conspicuously that Irish statesman Lord Charlemont observed, "The restrictive laws which

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<sup>1048</sup> Jacobite uprisings from the late seventeenth to the mid-eighteenth century, named after the deposed Catholic monarch King James II during the Glorious Revolution, sought to restore James and his descendants of the House of Stuart to the thrones of England and Scotland (later called Great Britain).

<sup>1049</sup> See Michael Brown, *The Irish Enlightenment* (Cambridge, MA: Harvard University Press, 2016), 113.

<sup>1050</sup> For background on the penal laws, see Burns, "Irish Popery Laws," 485-508; Bourke, *Empire & Revolution*, 216; Richard Bourke and Ian McBride, eds., *The Princeton History of Modern Ireland* (Princeton: Princeton University Press, 2016), 56-57; Edmund Curtis, *A History of Ireland From Earliest Times to 1922* (London: Routledge, 2005), 245; and J.G. Simms, "The Making of a Penal Law (2 Anne, c.6), 1703-04," *Irish Historical Studies* 12 (1960): 105-18.

<sup>1051</sup> Bourke and McBride, *History of Ireland*, 58.

were meant to operate to the diminution and impairment of Catholic property, had amply produced the desired effect...’’<sup>1052</sup> By 1776 Catholics owned five percent of the land.<sup>1053</sup>

As in *Address and Petition*, the negative impact of the penal laws on property is a central concern for Burke in *Tracts*. In Burke’s judgment, the property restrictions retarded the ability of Catholics to preserve and build wealth, robbing them of their capacity for independence and industriousness. Furthermore, the laws diluted the social bonds that united Catholic families together. In outlining these concerns in *Tracts*, *Burke* sanctifies property as a tangible good and as an emblem of familial unity and prominence. It was an instrument for strengthening the family within a single generation *and* from generation to generation. Hence, for Burke, the destruction of property portended the decay of social order.

Burke begins *Tracts* by discussing real, or landed, property that was already possessed by Catholics. He first summarizes the particular laws that undermined the authority of Irish Catholics over their land. Catholics could not exercise the right of voluntary alienation, testament, settlement, and primogeniture.<sup>1054</sup> He proceeds to discuss the ramifications arising from these laws, among the most important being the erosion of familial and social relationships. The laws against voluntary alienation and testament, he writes, prevent the possessor of land, “either during his Life or at his Death from making any distinction of Merit or affection amongst his Children; and if he should have no Children, he is disqualified from rewarding Service or gratifying friendship amongst relations or strangers.”<sup>1055</sup> The Irish

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<sup>1052</sup> Sir John Thomas Gilbert, ed., *The Manuscripts and Correspondence of James, First Earl of Charlemont, Vol. I.-1745-1783* (London: H.M. Stationery Office, 1891), 45.

<sup>1053</sup> Bourke and McBride, *History of Ireland*, 58.

<sup>1054</sup> Langford, *Writings and Speeches*, IX, 436.

<sup>1055</sup> Langford, *Writings and Speeches*, IX, 436.

Catholic possessor's inability to control the conveyance of land severs his capacity to select who amongst his children or social peers is most deserving of the property.

Burke recognizes that the social health *and* wealth of the family were not mutually exclusive. Depriving Irish Catholics the right of settlement, specifically the right for a husband to secure a "jointure," or the estate for his wife upon his death, meant that "no person who is the object of these Laws is enabled to advance himself in fortune or connection by Marriage."<sup>1056</sup> Therefore, one toxic effect of the penal codes was to stymie the establishment and perseverance of strong families:

The fixed provision of the Eldest Son, and his reputable establishment as representative of the family together with the Jointure for the Wife being generally the great Ends; where a family connection is formed and a fortune given. Those the Law has taken away.<sup>1057</sup>

The family "connection" is dissolved, or prevented from even being formed, when Irish Catholics do not enjoy the right of settlement. For Burke, the penal codes incapacitate the noble patriarchal family by denying the oldest son the right to property. It also dims the affluence of the matriarch in the family by preventing Catholics from securing the jointure.

The popery laws' prohibition of the right of primogeniture, the right of the eldest son to inherit his father's estate, confirmed the Protestant Ascendancy's effort to cripple the intergenerational strength of the Irish Catholic family. Primogeniture was replaced by a Kentish custom called gavelkind in which the property of a deceased father was divided equally amongst his sons.<sup>1058</sup> This partition became prominent in the thirteenth and

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<sup>1056</sup> Langford, *Writings and Speeches*, IX, 437.

<sup>1057</sup> Langford, *Writings and Speeches*, IX, 437.

<sup>1058</sup> George C. Homans, "Partible Inheritance of Villagers' Holdings," *Economic History Review* 8 (1937): 48-56. It was not unusual, however, for Kentish custom to permit sons to hold property in common as co-heirs. See Homans, "Partible Inheritance," 48-49.

fourteenth centuries, and ending up thwarting the growth of landed estates throughout generations. Consequently, gavelkind induced the disintegration of families and triggered an increase in poverty. The partitions “involved the dissolution of family communities which were also self-sufficient farming units,” writes George C. Homans, “and led to the formation of a large class of small holders, who in the course of successive partitions might find themselves without enough land for their support.”<sup>1059</sup>

Burke harbors an acute awareness of these consequences. Replacing primogeniture with gavelkind meant that the “Landed property of Roman Catholics should be wholly dissipated; and that their families should be reduced to obscurity and indigence, without a possibility that they should be restored by any exertion of industry or ability, being disabled...from every species of permanent acquisition.”<sup>1060</sup> Banning the right of primogeniture inhibited Catholics from exercising their capacity for hard work and ingenuity in order to build family wealth. The result was penury.

Primogeniture was one issue that split Burke and Adam Smith.<sup>1061</sup> While Burke praised the custom for furnishing stability and opportunities for wealth creation, Smith criticized it on the same grounds but for the opposite reasons. In his view, primogeniture and entails discouraged men from improving the estate, and were sources of the “almost total bad husbandry”<sup>1062</sup> in jurisdictions where the traditions were carried out. In contrast, the continual exchange of land encouraged amelioration. “When land is in commerce and frequently changes hands it is most likely to be well managed...” Smith says in *Lectures on*

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<sup>1059</sup> Homans, “Partible Inheritance,” 50.

<sup>1060</sup> Langford, *Writings and Speeches*, IX, 437.

<sup>1061</sup> Donald Winch has arrived at a similar conclusion. See Winch, *Riches and Poverty*, 184.

<sup>1062</sup> Smith, *Lectures on Jurisprudence*, 70.



*Jurisprudence*.<sup>1063</sup> The social consequence was the suppression of the younger sons who did not inherit their father's land. Primogeniture "suffers all the rest [of the family] in a few generations to be reduced to beggary."<sup>1064</sup>

Burke's and Smith's division over primogeniture reflects a deeper philosophical tension in their views regarding the relevance of the past to the present. Burke's defense of primogeniture indicated a belief that the anchor of inherited land should be preserved throughout subsequent generations, an insight consistent with his famous remark in *Reflections* that civil society was an eternal partnership linking past, present, and future generations.<sup>1065</sup> Smith, however, denounced the proposition that those who long passed away should govern the activities of the present. Entails, which he says in *Wealth of Nations* are the "natural consequences" of primogeniture, are based on the "absurd" premise that "the property of the present generation should be restrained and regulated according to the fancy of those who died perhaps five hundred years ago."<sup>1066</sup> He does acknowledge that entails might have served a purpose in the past when estates resembled principalities. But in the latter half of the eighteenth century, there was no legitimate rationale why the potential vigor of economic activity should be handcuffed by the static landed estates of bygone years. For Smith, then, medieval customs were "supported by nothing but the vanity of families."<sup>1067</sup> But for Burke, security for inherited land built up the intergenerational strength of families. The wisdom of the past could shape the direction of the future.

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<sup>1063</sup> Smith, *Lectures on Jurisprudence*, 70.

<sup>1064</sup> Smith, *Lectures on Jurisprudence*, 466. See also Smith, *Wealth of Nations*, vol. I, 384.

<sup>1065</sup> Langford, *Writings and Speeches*, VIII, 147.

<sup>1066</sup> Smith, *Wealth of Nations*, vol. I, 384. See also Smith, *Lectures on Jurisprudence*, 69-70.

<sup>1067</sup> Smith, *Lectures on Jurisprudence*, 71.

We return to *Tracts*. The core of Burke's critique of the penal laws is now coming into crisper focus. The regulations weaken the family by preventing Irish Catholics the right and independence to transfer landed property according to their personal preference. The laws proscribe possessors of land the right to distinguish between the individual merit of different children about who most deserves the property. They sabotage the patriarchal family, and also hurt the matriarch by restricting access to the jointure. The popery laws impede the ability of Irish Catholics to exercise habits of industry and dexterity to produce and maintain wealth from generation to generation.

There were broader consequences of the penal laws, however. The replacement of primogeniture with gavelkind "considers each person, as he stands in the Order of succession, merely as an instrument to divide and break to pieces the property by that distribution, until the whole Estate is annihilated..."<sup>1068</sup> By draining Catholic families' human agency over their property, the popery laws create a noxious environment in which "hope and fear, love and gratitude, despondence and protection, should be entirely extinguished in all such families, so that with regard to the important points of donation, testament, settlement, and Descent, the whole Order of the common Law is changed and subverted."<sup>1069</sup>

In essence, Burke frames the body of penal laws, in both *Tracts* and *Address and Petition*, as a vehicle for the *atomization* of the family. The father was deprived of the authority to pass along the land to the eldest or most deserving son. The equal division of land under gavelkind encouraged each family member to act as a single proprietor rather than as part of

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<sup>1068</sup> Langford, *Writings and Speeches*, IX, 437.

<sup>1069</sup> Langford, *Writings and Speeches*, IX, 437.

a wider social unit. Land was cut up into small bits, dissipating into the wind. The Catholic family was reduced to individualism.

Thus the oppressive laws disintegrated the sacred chords of love and affection that self-governed the stewardship of property and sustained the strength of the family. The architecture of character, virtue and gratitude anchoring familial relationships dissolved into social fragmentation. The statute encouraging wives to adopt Protestantism, which undermined the authority of the father to manage his children, was the perfect expression of this repercussion. “[Children] are to be torn for ever, even at the earliest Age, from his Heart, his House, and his family,” Burke states.<sup>1070</sup> Overall, Burke’s effort connecting the penal laws with the splintering of the family shows his awareness that property was not simply a material object for improvement but a source of social organization. The possession of land, or lack thereof, could not be separated from its social consequences.

According to Burke, the authority of the patriarchal household was frustrated in another way: the penal laws created the incentive for the eldest son to conform to the Established Church, leading to the father’s “fee simple,” or the complete authority over an estate, being taken away from him. The father then “is reduced by this Act of his Son to a mere tenancy for Life, with all the consequent debility of that Estate, that is the disqualification to sell, Mortgage, change or do any other Act, by which he may raise money for any purpose, or in any exigency.”<sup>1071</sup> Burke continues: “The Eldest Son, thus conforming, immediately, or in the Life time of his Father, acquires that the father has lost.”<sup>1072</sup> Not only does the Eldest Son acquire power over his father, but other children who conform to the

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<sup>1070</sup> Langford, *Writings and Speeches*, IX, 440.

<sup>1071</sup> Langford, *Writings and Speeches*, IX, 438.

<sup>1072</sup> Langford, *Writings and Speeches*, IX, 438.

Established Church, males and females, also gain privileges. The lowering of the father's status to mere tenancy flattens his authority. "[T]he tenure and value of a Roman Catholick, in his real property, is not only rendered extremely limited, and altogether precarious, but the paternal power in all such families is so very much enervated, that it may well be considered as entirely taken away," Burke writes.<sup>1073</sup>

The penal laws additionally undermined the authority of parents by encouraging children to bring lawsuits against them in court. "Every Child of every such parent is invited to come into the Court of Equity, and is authorized to prefer a Bill against his Father," Burke writes, "and to compel him by the process of that Court to confess upon Oath the quantity and value of his substance personal as well as real, of what nature soever, or howsoever it might be employed."<sup>1074</sup> The Court could then seize the property of the father and allocate it to his children. More so, if the father passed away, the Chancellor could "take the whole property, personal as well as real, Money, Stock in Trade, or Agriculture, out of the hands of the possessor, and secure it any manner, he may think expedient for that purpose."<sup>1075</sup> This remark reveals that Burke was not exclusively preoccupied with landed property in *Tracts*: he was conscious of the fact that the penal laws could be brandished to strip fathers of both landed property *and* financial investments.

The popery laws' effort to transform the natural connection between father and child into a crucible of antagonistic competition also applied to the wife. If the matriarch conformed to the Established Church, "from that moment she deprives her husband, (whether she will or no) not only of all management of all his Children, but even of that

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<sup>1073</sup> Langford, *Writings and Speeches*, IX, 438.

<sup>1074</sup> Langford, *Writings and Speeches*, IX, 439.

<sup>1075</sup> Langford, *Writings and Speeches*, IX, 439.

satisfaction in their society, which is, perhaps, the only indemnification, a parent can receive for the many heavy cares and sollicitudes, which attend that anxious relation,” Burke writes.<sup>1076</sup> The penal laws, then, not only pit children against the father, but also the wife against the husband. The regulations emboldened her to challenge his property holdings, which weakened his authority, upset the social equipoise between the two, and denied the father of the opportunity to use his land.

Burke discusses another penal law that contributed to shredding the child-parent relationship and undercutting patriarchal authority over the wife. This regulation granted the courts the power to take a child away from his Catholic father and mother so that he could be educated under non-popish influences. If only one parent conformed to the Established Church, the child would still be removed from the household by the Chancellor. Hence the overall authority of the father was “wholly abrogated...”<sup>1077</sup> More so, his power was “considerably impaired, if not, in Effect, entirely taken away.”<sup>1078</sup> This was because the wife “whenever she pleases, substract the Children from his obedience and protection she must, by that hold, acquire one of the strongest sources of power and superiority over her husband.”<sup>1079</sup>

Further attention is required regarding Burke’s view about how the nature of the relationship between husband and wife shifted under the penal laws. For him, the authority of the husband eroded because the Chancellor held the power to settle a jointure if the father died and the wife embraced Protestantism. “[H]er conformity to the established religion executes his powers and executes them in as large an extent, as the Chancellor shall

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<sup>1076</sup> Langford, *Writings and Speeches*, IX, 440.

<sup>1077</sup> Langford, *Writings and Speeches*, IX, 441.

<sup>1078</sup> Langford, *Writings and Speeches*, IX, 441.

<sup>1079</sup> Langford, *Writings and Speeches*, IX, 441.

think convenient,” Burke avers.<sup>1080</sup> Thus the “husband is deprived of the influence over his wife...”<sup>1081</sup> In addition, if the settlement had not been established before the husband died, the Chancellor could give the wife a part of the father’s leases and landed estate, not exceeding one-third of their total value.<sup>1082</sup>

Burke concludes that the penal laws divided the interests of the husband and wife, which produced incentives for the latter to gain control over the former:

She acquires a provision totally independent of the favour of her husband; and thus deprives him of that source of domestick Authority, which the common Law has left in families, that of rewarding, or punishing by a voluntary distribution of his Effects, what, in the opinion of the Husband, was the good or ill behaviour of his Wife.<sup>1083</sup>

From a modern perspective, Burke’s lament about the attenuation of patriarchal authority is vulnerable to a powerful feminist critique: his opposition to the penal laws, rather than reflecting genuine concern for the breakup of the family, was a mask to conceal his disgust over the loss of the traditional power of the husband over his wife. One cannot in good faith read Burke’s remarks about the laws depriving the husband of rewarding or punishing the “good or ill behaviour of his Wife” and not, at the very least, recognize that such regret is the impression Burke radiates from his comments. This is simply because that Burke, in modern vernacular, did believe strongly in the conventional nuclear family with the father at the head. A related feminist critique might claim that Burke dismisses the possibility that the husband may be abusive toward his wife, and, thus, that the penal laws might have offered a legal way for wives to liberate themselves from this abuse. Burke does not address these concerns.

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<sup>1080</sup> Langford, *Writings and Speeches*, IX, 441.

<sup>1081</sup> Langford, *Writings and Speeches*, IX, 441.

<sup>1082</sup> Langford, *Writings and Speeches*, IX, 441.

<sup>1083</sup> Langford, *Writings and Speeches*, IX, 442.

Burke's remarks about the role of the Chancellor hint at a negative effect of the penal laws that transcends intra-family relations: the authority of the family is replaced by the power of the courts. Traditional common law preserved the right of the English family to select the members who would inherit the family's estate. But the penal laws granted more autonomy to judges to make individual decisions regarding the allocation of property if a family member chose to conform to Protestantism. Accordingly, the family's capacity to make responsible decisions over property distribution would be undercut, and the courts would assume this role in determining the amount of land a conforming family member of the Established Church deserved.

Burke concludes his discussion over the penal laws' limitations on real property by highlighting the fee tail,<sup>1084</sup> the common law title restricting the inheritance or sale of estates to predetermined heirs. Burke outlines the negative effect of the laws on such inheritance laws: "[I]f the person who stands next in remainder to this Estate, be or becomes a protestant, the possessor loses his privilege. From having the dominion of the Land he is reduced to an use for his Life only."<sup>1085</sup> By referencing "for his Life only," he insinuates that these limitations are injurious also because they prevent the *intergenerational* accumulation of landed wealth. In addition to breaking up the family, the penal laws sliced the bonds that tied together family members spanning many eras.

The penal laws' subversion of the intergenerational inheritance of land clarifies a chief insight into Burke's grasp of the relationship between politics and economics. Under

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<sup>1084</sup> In this section, Burke also mentions the law preventing a Catholic from inheriting property from a Protestant. "For, if any protestant person becomes possessed of an Estate in Land, no popish person, continuing in that religion, is capable of inheriting from him; but the Estate vests in the next protestant of the inheritable kindred, untill his conversion." Langford, *Writings and Speeches*, IX, 442.

<sup>1085</sup> Langford, *Writings and Speeches*, IX, 442.

the premise that landed property falls under the description of “political economy,” as this dissertation has chosen to recognize, Burke understands the activities of political economy to reach across generations. The possession and maintenance of property is not a transient endeavor but a quest that requires prolonged energy and effort from many members of the same family spanning decades, and even centuries.

In other words, a family in Burke’s view is not a short-lived affiliation that perishes with the passing of existing family members. It itself is an inheritance, manifested in the conservation of the estate over many years. In this context, Burke’s insights in *Tracts* about the primacy of landed property anticipate his more famous comments in *Reflections* about how the state, consisting of social associations like families, is an intergenerational pact. The state “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.”<sup>1086</sup> States, communities, and families are not transitory phenomena but lasting monuments of human toil, ingenuity, and commitment. The responsibilities of one generation of men and women reach far beyond the particular time period in which they live.

This is one principal reason why Burke stresses the importance of securing Irish Catholics property rights in *Tracts*. Yes, the popery laws set father against children and husband against wife. Yes, they crushed the social bonds that sustain families. Yet more so, the penal laws destroyed the opportunity for Irish Catholic families to strengthen their families throughout long periods of time. In short, Burke’s conception of political economy included the cardinal role of *preservation* in furnishing stability and progress in political communities. Landed property buttressed by character and virtue resisted the fluxes of

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<sup>1086</sup> Langford, *Writings and Speeches*, VIII, 147.



market activity he outlined in *Thoughts and Details*—just like the state and society for Burke were not ephemeral, *ad hoc* associations but social institutions that long outlasted its living members.

### *New Acquisition of Real Property*

As described, Burke's first section of *Tracts* addressed real, or landed, property that had already been acquired. His next section introduces an additional dimension to his censure of the penal laws by condemning restrictions on the *new* acquisition of real and personal property. He also explores the nefarious restrictions on economic opportunities for Catholics to pursue their trades.

First, Burke reprimands the laws that prevented Catholics from

taking or purchasing, directly or by a Trust, in possession or reversion, any Estate of inheritance in Land, any Mortgage upon Land, any rent or profit arising out of Land, any Lease, Interest, or loan, of an Land; any Annuity for Life, or Lives, or Years, or any Estate whatsoever, chargeable upon, or which may in any manner may affect Land.<sup>1087</sup>

Note that Burke criticizes not only the obstruction to acquire landed property but also hindrances on Catholics' ability to keep the profits and other financial benefits derived from possessing the land.

Burke also lambastes the rule granting Irish Catholics the right to lease land for no more than thirty-one years. He calls this a "remnant of a right."<sup>1088</sup> Whatever privileges this lease provides, Burke continues, is nullified by oppressive regulations dictating the terms of the lease. The law mandates that a rent "not less than two thirds of the full improved yearly

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<sup>1087</sup> Langford, *Writings and Speeches*, IX, 442.

<sup>1088</sup> Langford, *Writings and Speeches*, IX, 442.

value shall be reserved during the whole continuance of the Term.”<sup>1089</sup> The lease must “also be in possession and in reversion, that is, it must take its commencement from the very day, in which it is executed, and not from any future period.”<sup>1090</sup> These two qualifications negate the seeming privileges accorded to Irish Catholics stemming from the thirty-one year lease rule. And as Burke notes later, the law did not even apply to Catholic estates forfeited as a result of the Glorious Revolution and sold by the Act of Resumption.<sup>1091</sup> In Burke’s estimation, this amount constituted around a tenth of land in Ireland.<sup>1092</sup>

The further consequences of regulating the acquisition of new real property was the spreading of a thick litigious atmosphere, which, from Burke’s perspective, encouraged the forfeiture of Catholics’ property. Under the penal laws, Protestants and informers were enticed to bring to court Catholics who might have violated the laws in even the most insignificant way possible because the former group would reap the material benefits of winning cases. “If a Lease is made to [Irish Catholics], exceeding in duration, or in value, or varying in time of commencement, in the smallest degree from the above limits, the whole Interest becomes forfeited; and vests ipso facto, in the first protestant discoverer or informer,” Burke states.<sup>1093</sup> The informer

may bring Bills against the parties, whom he suspects to be possessed of this forbidden property; against those whom he suspects to be their Trustees; against all whom he suspects to be privy to the transaction; and to oblige them,—upon Oath, and under the guilt and penalties of perjury, to disclose

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<sup>1089</sup> Langford, *Writings and Speeches*, IX, 443.

<sup>1090</sup> Langford, *Writings and Speeches*, IX, 443.

<sup>1091</sup> Burke is ostensibly referring to the act passed in 1700 that placed resumed land in a trust, which would then sell the estates to raise revenue to fund the debts incurred by the war against Ireland. See Patrick Walsh, *The Making of the Irish Protestant Ascendancy: The Life of William Conolly, 1662-1729* (Suffolk, UK: The Boydell Press, 2010), 50.

<sup>1092</sup> Langford, *Writings and Speeches*, IX, 444.

<sup>1093</sup> Langford, *Writings and Speeches*, IX, 443.

the exact nature, and just value of their Estates and Trusts in all the particulars, in order to induce their forfeiture.<sup>1094</sup>

Burke notes additionally that the penal law prohibiting Catholic land leases of more than thirty-one years, which empowered informers to bring suits against Catholics, discarded the legal maxim of *favores ampliari, odia restringo debent*, meaning “favorable concessions are to be interpreted widely.”<sup>1095</sup> This maxim gave the benefit of the doubt in legal disputes to defendants. Yet under the popery laws, Burke states, it was “struck out of the Irish Jurisprudence, and the contrary rule is established; directing, that, upon all doubts, these penal Laws should be construed in the largest and most liberal sense against the defendant.”<sup>1096</sup> In essence, the informant possessed an intrinsic juridical advantage over defendants because of the anti-Catholic structure of the penal laws.

Burke’s remarks build another layer of his understanding of the relationship between economics and politics, specifically within the political realm of the law. The impulse to persecute Catholics for violating property restrictions corroded the rule of law by fundamentally shifting the burden of proof onto Catholic defendants. Arbitrary property regulations provoked litigious individuals to bring lawsuits against others in court, even if the violations were trivial. The rule of law became threatened by the tyranny of individuals, in this case the Protestants and informers intent on sweeping away the power of Catholics through the cudgel of the court system. Property could be imperiled not simply through gross seizures of power by an unhinged authoritarian, then, but also by a soft despotism, constituting the lurch of legal victories that slowly usurped the property of Catholics.

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<sup>1094</sup> Langford, *Writings and Speeches*, IX, 443.

<sup>1095</sup> See Langford, *Writings and Speeches*, IX, 443n3.

<sup>1096</sup> Langford, *Writings and Speeches*, IX, 443.

The prospect of snatching away property from Catholics also corrupted the strict interpretation of law. Burke notes in the second part of *Tracts* that the property that a Catholic creditor would traditionally possess under the writ of *elegit*—one-half of the debtors’ land—would be forfeited to the first Protestant informer.<sup>1097</sup> The writ had served as the “pillar of General credit.”<sup>1098</sup> But under the penal laws, the papist was prevented from this right to “avail himself of that common Security.”<sup>1099</sup> Hence, Burke continues, “[n]o Security is left, but what is merely personal; and which, therefore, by most people, who lend Money, would be considered as nearly none at all.”<sup>1100</sup> In other words, Burke insinuates that the definition of “property” under the penal laws became twisted and contorted to include this ancestral writ of *elegit*. He suggests that the danger of laws controlling the possession of property is not simply their direct prohibition but that the interpretation of the law could be expanded in order to further justify the confiscation of Catholic property.

Burke transitions into rebuking the penal laws for placing burdensome employment restrictions on Catholics, hindering their further opportunities to acquire new wealth. Catholics were excluded from holding civil, ecclesiastical, and military posts, as well as positions in the legal profession. Regarding the latter category, Burke writes that Catholics were banned from conveyancing, the legal procedure that transferred real property from one to another, and from “Chamber practice,” in which legal work was carried out in private

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<sup>1097</sup> See Langford, *Writings and Speeches*, IX, 444. Also see Theodore F.T. Plucknett, *A Concise History of the Common Law* (Indianapolis: Liberty Fund, 2010), 390-91. *Elegit* was a judicial writ in which the goods and property of the debtor were delivered to the plaintiff until the debt was paid.

<sup>1098</sup> Langford, *Writings and Speeches*, IX, 444.

<sup>1099</sup> Langford, *Writings and Speeches*, IX, 444.

<sup>1100</sup> Langford, *Writings and Speeches*, IX, 444.

offices rather than public courts.<sup>1101</sup> In addition, Burke emphasizes that the penal laws proscribed individuals in the legal profession from knowingly employing Catholics.<sup>1102</sup>

Burke tucks an interesting comment into his brief analysis of employment regulations of the legal profession that foreshadows his later meditation in *Reflections* on the importance of civil society. In *Tracts*, Burke remarks that in addition to Chamber practice and conveyancing, “even the most private voluntary Agency” was forbidden to Catholics under the “severest penalties, and with the most rigid Modes of inquisition.”<sup>1103</sup> His reference to a “most private voluntary agency” accentuates a central tenet of his political philosophy: intermediary institutions that exist between the individual and the centralized state perform a significant role in inculcating virtue, tightening social bonds, and investing human beings with meaning and purpose beyond themselves. This appeal to voluntary groups is a signal that Burke recognized in *Tracts* the primacy of non-governmental institutions in civil society.

Burke stresses further that although Catholics could serve in the offices of high and petty constables, local officials whose duty was to preserve the peace, they were legally recognized as aliens in corporate towns, and could not be freemen. Accordingly, they were forced to pay extra fees and charges in order to work in their occupation. Catholics had to pay quarterage levies, which allowed them to benefit from guild privileges, and alien duty, the additional fee on poundage and tonnage. Moreover, government officials could take

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<sup>1101</sup> Note that Burke was not sufficiently clear on this point; the penal laws restricting Catholics from the legal profession did not expressly ban conveyancing and Chamber practice. See Langford, *Writings and Speeches*, IX, 445. See also Colum Kenny, “The Exclusion of Catholics from the Legal Profession in Ireland, 1537-1829,” *Irish Historical Studies* 25 (1987): 337-357.

<sup>1102</sup> Langford, *Writings and Speeches*, IX, 445.

<sup>1103</sup> Langford, *Writings and Speeches*, IX, 445.

away the occupational opportunities of Catholics.<sup>1104</sup> Burke does not mention, however, that it was not uncommon for guild members themselves to pay quarterage. The fee was not an exclusive tax on Catholics,<sup>1105</sup> nor was it always prohibitively high.<sup>1106</sup>

The river of regulations ran deeper. Catholics were banned from employing more than two apprentices in all industries besides linen manufacturing.<sup>1107</sup> They could not possess a horse worth more than five pounds. Individuals who swore that criminal acts such as robbery were committed by Catholics were allowed to “recover solely upon the inhabitants of that persuasion.”<sup>1108</sup> Burke writes that “*all*” offenses were claimed to be perpetrated by Catholics, reinforcing his conclusion that the shift of the burden of proof onto Catholic defendants represented one of the deleterious legal developments of the penal laws. In addition, Burke continues, if a privateer of enemy “popish powers” ruined property in Ireland, Irish Catholics were responsible for compensating the landowners.<sup>1109</sup> Burke is quite aware what these laws were designed to do: use the regulatory power of the state to quash the economic potentialities of Catholics.

In the end, Burke’s portrayal of the penal codes’ limitations on the opportunity to acquire new property resembles the struggle of Sisyphus, the king in Greek mythology tasked with rolling the boulder up the hill, only to have it rolled back down repeatedly. Efforts by

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<sup>1104</sup> Langford, *Writings and Speeches*, IX, 445.

<sup>1105</sup> Maureen MacGeehin, “The Catholics of the Towns and the Quarterage Dispute in Eighteenth-Century Ireland,” *Irish Historical Studies* 8 (1952): 99.

<sup>1106</sup> MacGeehin, “Catholics of the Towns,” 100.

<sup>1107</sup> Maureen Wall wrote that she had “not seen it mentioned as a major grievance in any petition.” Wall, “The Rise of a Catholic Middle Class in Eighteenth-Century Ireland,” *Irish Historical Studies* 11 (1958): 94. Burke, however, does specifically mention this regulation in *Tracts*. “[Catholics] are forbidden in whatever employment, or wherever settled, to take more than two apprentices, except in the Linen Manufactory only,” he states. Langford, *Writings and Speeches*, IX, 445-46.

<sup>1108</sup> Langford, *Writings and Speeches*, IX, 446.

<sup>1109</sup> Langford, *Writings and Speeches*, IX, 446.

Irish Catholics<sup>1110</sup> to reap the fruits of their labor and industry were largely futile under the maze of property regulations. “In general,” Burke writes in *Tracts*, “it must be observed of all those Statutes, that the acquisition of property is made as difficult as possible, to Roman Catholicks, and that the Law meets and stops them in every road of industry.”<sup>1111</sup> The steep incline of Sisyphus’s hill was the regulatory burden imposed by the penal laws, adding more and more weight upon the shoulders of Catholics that encumbered their pursuit for greater economic opportunity.

Burke concludes the section by discussing disabilities on Catholic education, the right to bear arms, and marriage. His comments on education are relevant to the broader issues of freedom and opportunity that lie within the subject of political economy. In addition to drawing attention to the limitations on Catholics’ attendance and study at public universities, Burke highlights that *private* Catholic attempts to educate students were inhibited as well:

Least they should be able to supply this defect [of limiting Catholic access to higher education], by private Academies and Schools of their own, the Law has armed itself with all its Terrors against such an attempt. Popish Schoolmasters of every Species, even those who only teach to read and write are proscribed by these Acts; and it is actually made felony to teach any thing, even in a private family.<sup>1112</sup>

There is an immediate symmetry in these comments relative to Burke’s thoughts on the popery laws’ impact on the acquisition of real property. In both cases, the laws persecuted *private* activity, whether it be economic or educational, making smaller and smaller Catholics’ zone of individual autonomy. And in both cases, the state posed a sharp threat to the ability of Catholics to organize themselves into voluntary social and economic

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<sup>1110</sup> Of course, Sisyphus was deceitful, while Catholics were the victims under the penal laws.

<sup>1111</sup> Langford, *Writings and Speeches*, IX, 445.

<sup>1112</sup> Langford, *Writings and Speeches*, IX, 447.

associations. Furthermore, as Burke continues in *Tracts*, the property of Catholic parents was endangered due to the penal laws' regulations on educational opportunity. If found guilty of violating them, Irish Catholic parents could lose their landed possessions, which would then be given by courts to either the Crown or the informer responsible for alerting authorities to the violation. In short, the disintegration of private property rights built a path for persecution.

#### e. The Irish Absentee Tax

In addition to his commentary in *Address and Petition* and *Tracts*, Burke displayed his grasp of the wider Anglo-Irish geopolitical implications of property during the debate over the Irish absentee tax.<sup>1113</sup> The tax grew out of the patriotic sentiments of Irishmen in the eighteenth century who believed their kin should reside in Ireland and aid in its economic development. In 1773, Colonel John Blaquiere, Chief Secretary to the Lord Lieutenant Lord Harcourt, formally proposed the tax in the Irish House of Commons. It would have imposed a levy of two shillings in the pound on Irish landed property whose owners lived more than six months outside of Ireland.<sup>1114</sup> Harcourt thought the tax would increase the popularity of his administration, following the public disappointment of Lord Townshend's rule, and generate more revenue to the treasury to lower the national debt.

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<sup>1113</sup> For further background on the Irish absentee tax, consult Mahoney, *Edmund Burke and Ireland*, 50-58; Mahoney, "Mr. Burke's Imperial Mentality and the Proposed Irish Absentee Tax of 1773," *Canadian Historical Review* 37 (1956): 158-66; O'Brien, *Great Melody*, 70-71; Lock, *Edmund Burke*, vol. I, 345-48; Bourke, *Empire & Revolution*, 393-95; and Thomas F. Moriarty, "The Irish Absentee Tax Controversy of 1773: A Study in Anglo-Irish Politics on the Eve of the American Revolution," *Proceedings of the American Philosophical Society* 118 (1974): 370-408.

<sup>1114</sup> The measure also included lowering the amount of corn bounties.



Burke vigorously opposed the measure. His perspective was influenced significantly by his conception of and vision for the British Empire. He believed the tax would endanger Britain's imperial sovereignty, exacerbate tensions between Ireland and England, and spark impulses in Ireland and elsewhere for complete independence from the Crown. Burke also maintained the proposal would sabotage the national interests of Ireland and cut the social fabric connecting the Irish and the English.

Burke offers these arguments in a letter he wrote to Irish MP Sir Charles Bingham on 30 October 1773. Forcing Irish landowners to return to England would fracture the social and political cohesion built up between Ireland and England and protected under the shade of the British Empire. "One of the most odious parts of the proposed absentee tax is its tendency to separate friends," Burke writes to Bingham, "and to make as ugly breaches in private society as it must make in the unity of the great political body."<sup>1115</sup> The tax compartmentalized the Irish and the English into distinct entities with divergent political aims rather than seeking to promote their common interests.

Burke does make a point to assert that the British Empire possessed the superintending authority to pass laws regulating its provinces, an argument similar to his defense of the Declaratory Act in relation to America. "...[I]f it be true that the several bodies which make up this complicated mass are to be preserved as one empire," then the "authority sufficient to preserve its unity" could only be in England, he writes to Bingham.<sup>1116</sup> Thus, "without question this country must have the sole right to imperial

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<sup>1115</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 474.

<sup>1116</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 475.

legislation...”, including laws regulating the “polity and economy of the several parts...”<sup>1117</sup>

Burke believed that the Irish Parliament’s enactment of the absentee tax would signify an attempt by a subordinate part of the Empire to usurp Britain’s sovereign authority and convey that England was a “foreign country,”<sup>1118</sup> further aggravating tensions between them.

Burke stresses that it was in Ireland’s best interests to augment, rather than dilute, its political and social connections with Britain. Politically, Ireland benefited from the English Privy Council’s<sup>1119</sup> role in influencing legislation from the Irish Parliament, which allowed Irish lawmakers to “obtain a new, a further, and possibly, a more liberal consideration”<sup>1120</sup> of the parliament’s acts. Additionally, Burke warns, if the law passed, Irish gentlemen “must necessarily reject all the privileges and benefits which are connected with such a residence.”<sup>1121</sup>

Burke’s further remarks in the letter are even more compelling because they prioritize the primacy of *social* interaction over political activity as the true source of common strength between England and Ireland. A “free communication, by *discretionary residence*, is necessary to all the other purposes of communication,” he writes.<sup>1122</sup> For Burke, the absentee tax would “discountenance mutual intermarriage and inheritance...”<sup>1123</sup> These social and

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<sup>1117</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 475.

<sup>1118</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 476.

<sup>1119</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 476.

<sup>1120</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 475.

<sup>1121</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 476.

<sup>1122</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 475.

<sup>1123</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 477.

family attachments “bind countries more closely together than any laws or constitutions whatsoever.”<sup>1124</sup> Political engagement between Ireland and England is ultimately secured by the sinews of Anglo-Irish social associations.

Burke proceeds to outline the practical consequences of the absentee tax, the foremost being the disintegration of Anglo-Irish families:

If an Irish heiress should marry into an English family, and that great property in both countries should thereby come to be united in this common issue, shall the descendant of that marriage abandon his natural connexion, his family interests, his public and his private duties, and be compelled to take up his residence in Ireland? Is there any sense or any justice in it, unless you affirm that there should be no such intermarriage and no such mutual inheritance between the natives?<sup>1125</sup>

Burke contends that the tax would dissolve the “natural” connections, social bonds, and inherited property that tie family members to one another—a view that attains seamless consistency with his critique of the penal codes.

The tax would impose more inconveniences on families forced to move back to Ireland. “How many families straitened in their circumstances are there, who from the shame, sometimes from the utter impossibility, otherwise of retrenching, are obliged to remove from their country, in order to preserve their estates in their families!” Burke writes.<sup>1126</sup> The law’s effect would narrow the freedom of Irish families to choose where to live, when to move, and whom to marry, thereby creating a crooked incentive for absentees to establish a permanent residence in Ireland. The law would further diminish the

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<sup>1124</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 477.

<sup>1125</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 477.

<sup>1126</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 479.

educational opportunities of Irish children to study in England.<sup>1127</sup> Because the liberty of movement, as Burke suggests in the letter, enabled the Irish to interact with the English, the tax's confinement of freedom would deprive the British Empire the root of its collective unity: social cohesion.

In his letter to Bingham, Burke presents a categorical statement that holds even more relevance to his conception of political economy. After he acknowledges Ireland's grievance that England had continued to burden Ireland with commercial regulations in the first half of the eighteenth century, Burke states, "No man living loves restrictive regulations of any kind less than myself; at best, nine times in ten, they are little better than laborious and vexatious follies."<sup>1128</sup> He then recognizes the Irish's legitimate grievance that they were obstructed from enjoying their "natural advantage in trade and commerce."<sup>1129</sup> Burke's purpose in this section, and in the letter as a whole, is not to summarize his philosophy of political economy. Nor should the former remark be interpreted to mean that Burke was an orthodox *laissez faire* economic liberal.

Yet the statement does signify a candid moment, articulated in a private letter, of Burke's animus toward excessive regulations that handcuffed Ireland's commercial activity. Because Burke conveys his point with no qualification, one can go further and submit that this statement is wholly consistent with his embrace of market liberalism during his fight in 1772 to repeal the laws against forestalling, regrating, and engrossing; his letters on the Irish trade bills in the late 1770s; and his commentary in *Thoughts and Details*. Burke's point is that

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<sup>1127</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 478-79.

<sup>1128</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 480.

<sup>1129</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 480.

regulations that disturb the free flow of market activities are frequently counterproductive and unnecessary.

Burke's other reason for opposing the absentee tax is that it would establish a flawed precedent, based on a flawed principle, both of which were "worse than the thing itself."<sup>1130</sup> The temptation to escalate punishments for absentee land ownership beyond the tax of two shillings might be too irresistible to pass up. "They who may restrain may prohibit," Burke writes.<sup>1131</sup> He continues:

They who may impose two shillings may impose ten shillings in the pound; and those who may condition the tax to six months annual absence, may carry that condition to six weeks, or even to six days, and thereby totally defeat the wise means which have been provided for extensive and impartial justice, and for orderly, well-poised, and well-connected government.<sup>1132</sup>

The seemingly innocuous power to restrict holds the intimidating power to ban. Burke's remarks anticipate the common concern in modernity that granting additional privileges to the state may lead to the incremental oppression of the people.<sup>1133</sup>

The precedential authority of the absentee tax carried transnational consequences beyond stirring the anxieties of individual Irish landowners. Burke broaches the possibility that English ministers would "encourage all the colonies, about thirty separate governments, to keep their people from all intercourse with each other and with the mother country."<sup>1134</sup> The effect would motivate subjects under the British Empire to perceive their fellow man as

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<sup>1130</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 474.

<sup>1131</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 476.

<sup>1132</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 476.

<sup>1133</sup> See Tocqueville, *Democracy in America*, in particular pages 661-65.

<sup>1134</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 474.

strangers rather than as friends. “A gentleman of New York, or Barbadoes, will be as much gazed at as a strange animal from Nova Zembla or Otaheite; and those rogues the travelers will tell us what stories they please about poor old Ireland,” Burke insists.<sup>1135</sup>

The practical disadvantage growing from this impulse of enmity would be the introduction of regulatory wars among jurisdictions. How would the English landowner be able to “escape this *ricochet* cross-firing of so many opposite batteries of police and regulation?” Burke asks Bingham hypothetically.<sup>1136</sup> If the owner attempts to abide by all such regulations, he is “likely to be more a citizen of the Atlantic Ocean and the Irish Sea, than of any of these countries,” he continues.<sup>1137</sup> Therefore, “[t]he matter is absurd and ridiculous; and, while ever the idea of mutual marriages, inheritances, purchases, and privileges subsist, can never be carried into execution with common sense or common justice.”<sup>1138</sup>

In tracing how the flawed precedent of the absentee tax could lead political bodies to wage regulatory battles, Burke displays a touch of his cosmopolitan proclivities. The cultural differences under British rule should not mask the common humanity of the Empire’s subjects. Taxes on absentee landlords discourage men and women from different backgrounds to communicate with one another. Indeed, an individual should be a citizen of a particular country rather than of the “Atlantic Ocean.” But, in Burke’s judgment, this allegiance should not preclude him from interacting with, trading with, and marrying people

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<sup>1135</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 474.

<sup>1136</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 478.

<sup>1137</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 478.

<sup>1138</sup> Burke to Sir Charles Bingham, 30 October 1773, in *Correspondence of Edmund Burke*, II, 478.

from diverse cultural and geographical backgrounds. Common justice promotes an ethic of natural equality amongst human beings. One's distinctive cultural heritage should not be the deciding factor in forming friendships.

Burke is laying a slight jab at the mercantilist sentiment, receding at the time in the 1770s but still lingering, that regulatory wars advanced the national interests of countries. The absentee land tax was not a commercial restriction, but Burke's principle is similar to the argument he expressed to Samuel Span and other Bristol merchants in his *Two Letters*: limiting interactions between peoples, whether the constraints relate to commerce, land, or any other enterprise, not only imperil common humanity but also threaten the public good of the waging parties. Countries are deprived of the material and social benefits they receive from different people with varying talents, knowledge, and wisdom. In the long run, the citizens of one nation gain advantages from being exposed to an influx of outside ingenuity.

Burke's analysis of the absentee tax exerted a strong influence on Bingham. A week later he wrote Burke, stating, "You have furnished me with arguments, that I have not, as yet, heard any person make use of, and have put this extraordinary attempt of Administration into the proper light."<sup>1139</sup> Bingham's articulation of Burke's logic commanded a heavy presence in the Irish Parliament during debate over the measure. After the body rejected the tax,<sup>1140</sup> Bingham sent another letter to Burke stating that he received "great applause" from lawmakers thanks to Burke's "Friendly assistance" in providing reasons to oppose the bill.<sup>1141</sup> Bingham had the "Pleasure to hear from many Gentlemen" that his

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<sup>1139</sup> Sutherland, *Correspondence of Edmund Burke*, II, 481.

<sup>1140</sup> The Irish Parliament also rejected a modified version of the tax that would have levied one shilling in the pound of remittances from lands of absentee landowners. See Mahoney, *Edmund Burke and Ireland*, 55.

<sup>1141</sup> Sutherland, *Correspondence of Edmund Burke*, II, 481.

“arguments had the greatest weight with them, as they came undecided into the House.”<sup>1142</sup>

Bingham further confided to Burke, “...no one knows that I heard from you or that your Powers contributed so much to the throwing out of this infamous attempt of Administration.”<sup>1143</sup>

Burke was not the only person driving opposition to the bill. Rockingham, as well as other prominent English-born—and absentee—aristocrats who possessed large holdings of land in Ireland, submitted a remonstrance to Lord North attacking the tax.<sup>1144</sup> The remonstrance helped spark popular outcry against the proposal.<sup>1145</sup> Rockingham’s vast estates in Ireland, which amounted to around £14,000 per annum,<sup>1146</sup> raises the question of whether Burke’s condemnation of the absentee tax was grounded in genuine conviction, or whether it merely reflected the self-interested motives of Rockingham and other absentee landowners.

This factor is further complicated by the fact that Burke himself was an absentee landowner. His estate, at Clogher in County Cork,<sup>1147</sup> was estimated at £500 a year.<sup>1148</sup> In opposing the absentee tax, was Burke ultimately trying to protect his own propertied holdings and wealth? Was his letter to Bingham a devious façade, offering seemingly convincing anti-tax arguments in order to disguise his individual material interests in the

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<sup>1142</sup> Sutherland, *Correspondence of Edmund Burke*, II, 481.

<sup>1143</sup> Sutherland, *Correspondence of Edmund Burke*, II, 481. See W.M. Elofson, *The Rockingham Connection and the Second Founding of the Whig Party, 1768-1773* (Montreal & Kingston: McGill-Queen’s University Press, 1996), 162.

<sup>1144</sup> It is unclear whether Burke wrote the remonstrance. See Mahoney, *Edmund Burke and Ireland*, 51 and W.M. Elofson, *Rockingham Connection*, 162.

<sup>1145</sup> Mahoney, *Edmund Burke and Ireland*, 51.

<sup>1146</sup> Arthur Wollaston Hutton, ed., *Arthur Young’s Tour in Ireland (1776-1779)*, vol. II (London: George Bell & Sons, 1892), 115.

<sup>1147</sup> See O’Brien, *Great Melody*, 51, 70.

<sup>1148</sup> Hutton, *Arthur Young’s Tour*, 116.



debate? Is there any redeeming philosophic substance to Burke's logic rebuking the measure? Can one apply Charles Beard's analysis of the motives of America's Founding Fathers, in which Beard posited that they drafted the U.S. Constitution to support their economic interests,<sup>1149</sup> to Burke's role in the absentee tax debate?

It is hard to deny that Burke and Rockingham possessed an individual stake in the game and that they stood to lose if the tax passed. In fact, Burke acknowledges in his letter to Bingham that Rockingham did possess property in Ireland. But then he quickly asserted that "the effect which the tax may have upon his private property is not the sole nor the principal motive to his exertions."<sup>1150</sup> Burke does not state in the letter that his own property holdings might have been affected by the tax.

Regardless of his personal predilections, his remarks to Bingham align smoothly with his broader philosophical reflections about the nature and character of the British Empire, as evidenced by this dissertation's discussion of Burke's thoughts on Anglo-Irish relations and the American colonies. Britain possessed the sovereign authority to create laws for its subjects. British provinces should not act as independent entities. And yet British provinces and England held a steadfast collective interest in stimulating social, political, and commercial communication amongst themselves. British subjects should not see themselves as competing against one another. Rather, they should recognize their fellow man as members of a common humanity, in turn demonstrating a willingness to exchange ideas, partner in social institutions, and trade with each other. At a more elemental level, Burke

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<sup>1149</sup> Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: The Free Press, 1986).

<sup>1150</sup> Sutherland, *Correspondence of Edmund Burke*, II, 480.

harbored a genuine belief that the tax threatened the landed interest in Ireland—which, as shown in this chapter, was the foundation for political order in his judgment.

The irony is that if Burke had been more candid about his personal interests, his arguments against the absentee tax would have proven even stronger. England benefited from his service in the English Parliament and from his engagement in the intellectual debates driving political discourse in the country. Even more important, Ireland gained monumental advantages from having Burke live in England, the foremost being his advocacy on behalf of the Irish Catholic population living under the penal laws. In all of these activities, Burke enlarged communication channels between the two countries to the benefit of Irish Catholics. The Irish absentee tax would have limited the opportunities of Burke to do so otherwise.

Burke does not make this argument, and thus exposes himself to the legitimate criticism that his personal investment in the political debate influenced his judgment. The question of Burke's motives is further muddled by the fact that he previously supported the idea of a land tax as an undergraduate at Trinity College. During a discussion in a debate club he helped found, Burke proposed a ten percent tax on Irish estates. Ironically, Burke's rationale was the opposite of his attitude in 1773: the ten percent charge was the "only means of preserving some part of the little money in the Kingdom [which] appropriated to the Dublin Society might prove a great advantage to it."<sup>1151</sup> This opinion contradicts the reasoning in his letter to Bingham that the dispersion of money toward England still would benefit Ireland in the long run.<sup>1152</sup>

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<sup>1151</sup> Arthur P.I. Samuels, ed., *The Early Life Correspondence and Writings of The Rt. Hon. Edmund Burke* (Cambridge: Cambridge University Press, 2014), 218.

<sup>1152</sup> Burke also expressed support for a land tax in 1762 in a private letter to Charles O'Hara; this tax was not specifically directed toward Irish absentee landlords,

While the energy of Burke's convictions may have been intensified in part by his personal interest in the tax, the logic of his arguments adds additional tiers to his theory of political economy. The land tax's perverse incentive encouraging landowners to return to Ireland was a dam, hindering the natural flow of social communication between members of the two countries. For Burke, this social harmony was the author of political unity, and could be achieved by according people the liberty to move and marry freely. But regulations curtailing the freedom to travel would produce social friction, thereby threatening the political bonds that sustain sovereign unity. Burke's conception of political economy is also a theory of social philosophy.

#### **f. Conclusion**

##### *Impact*

Burke's efforts in studying Anglo-Irish affairs and the penal codes were not ineffectual intellectual endeavors. In 1778, at a time when the level of hostility toward Catholics had softened somewhat in England,<sup>1153</sup> George Savile introduced a Catholic relief bill in the House of Commons that provided greater liberties, with particular qualifications, for Catholics to inherit and purchase land without being coerced to conform to the Established Church. Under certain conditions, it also protected priests from imprisonment

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however. See Burke to O'Hara, 30 December 1762, in *Correspondence of Edmund Burke*, I, 162.

<sup>1153</sup> The Battle of Saratoga, the turning point in the America's War of Independence, had been won by the Americans in the fall of 1777. England by 1778 was growing worried that Irish Catholics might take up arms in support of American revolutionaries. The kingdom also sought to encourage Catholics to enlist in the armed forces. See Robert Kent Donovan, "The Military Origins of the Roman Catholic Relief Programme of 1778," *The Historical Journal* 28 (1985): 79-102.

for giving Mass. The bill was modest, and only removed the severest penalties from the penal laws implemented by William III in 1699.<sup>1154</sup>

Burke has been credited with drafting the Preamble to Savile's legislation.<sup>1155</sup> In cautiously urging for the relaxation of the penal laws, the Preamble stated that Catholics "ought not to be molested in the enjoyment of their property or punished for a modest exercise of their religious persuasion..."<sup>1156</sup> In addition, Burke's social circle believed that Burke was the author of Savile's bill. Nineteenth-century Burke biographer James Prior wrote that the law "was in fact believed by his friends to be wholly his own or by his recommendation..."<sup>1157</sup> Burke himself may have slyly conceded as much when he discussed the bill in a speech he gave to his Bristol constituents on 6 September 1780. "The fact is, I did not once open my lips on the subject during the whole progress of the bill," Burke claimed. "I do not say this as disclaiming my share in that measure. Very far from it."<sup>1158</sup> This explanation is quite plausible. Given his Irish background, Burke was shrewdly conscious of his reputation as a sympathizer to the Irish Catholics at best, and as a crypto-Catholic at worst. Any sustained public effort on his part in 1778 to advocate for the bill might have sacrificed votes from undecided legislators still wary of Catholicism. Savile's bill was approved by the Crown on 3 June 1778.

The influence of Burke's thought on the penal laws penetrated beyond England. In Ireland, Dublin MP Luke Gardiner had proposed a law in 1778, modeled after Savile's bill, that allowed Catholics to lease land for 999 years. (Burke actually criticized this particular

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<sup>1154</sup> See Levack, "Edmund Burke, His Friends," 402-3.

<sup>1155</sup> Langford, *Writings and Speeches*, III, 384.

<sup>1156</sup> Langford, *Writings and Speeches*, III, 384.

<sup>1157</sup> Prior, *Life of Edmund Burke*, 176.

<sup>1158</sup> Langford, *Writings and Speeches*, III, 644.

lease clause for its limited nature.<sup>1159</sup>) Edmund Sexton Pery, the Speaker in the Irish House of Commons, told Burke that Gardiner's intention was "to follow the example of Great Britain and to give them liberty to purchase lands..."<sup>1160</sup> Thus the legislative goal was to "make the bill exactly agreeable"<sup>1161</sup> to Savile's bill.<sup>1162</sup> This aim fell neatly in line with Burke's political strategy, for Burke believed that Savile's bill was a vessel for Britain to "speak its sense, as clearly as it could do without using its authority, to Ireland."<sup>1163</sup> This sense was that "property ought to have the same security and freedom in every part of the British dominions."<sup>1164</sup>

Gardiner's bill passed the Irish Parliament as the Catholic Relief Act of 1778. It preserved the provision that the Irish Catholics could lease land for no more than 999 years, and also permitted them to bequeath it to children, in turn liberating Catholics from the oppressive boot of gavelkind that had inhibited their property inheritance rights. The bill did not state that Catholics could purchase the freehold, however, which would have allowed

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<sup>1159</sup> See Levack, "Edmund Burke, His Friends," 408. "The lease clause itself [Burke] considered rather ridiculous and as having no real purpose, unless it was intended—and this he suspected—as a device whereby the Catholics might be deprived in reality of the very benefits they were apparently to receive." Burke was most disgusted by the inclusion of a provision removing the mandate that Protestant dissenters must take the sacramental test as a precondition for public office. See pages 407-08.

<sup>1160</sup> Burke to Edmund Sexton Pery, 25 May [1778], in *The Correspondence of Edmund Burke*, vol. III, *July 1774–June 1778*, ed. George H. Guttridge (Cambridge: Cambridge University Press, 1961), 450.

<sup>1161</sup> Burke to Edmund Sexton Pery, 25 May [1778], in *Correspondence of Edmund Burke*, III, 450.

<sup>1162</sup> The bills were not exactly alike, as particular provisions were included in Gardiner's bill that were not in Savile's bill. See Levack, "Edmund Burke, His Friends," 406.

<sup>1163</sup> Burke to Unknown, [circa 3 June 1778], in *Correspondence of Edmund Burke*, III, 455.

<sup>1164</sup> Burke to Unknown, [circa 3 June 1778], in *Correspondence of Edmund Burke*, III, 455-56.

Catholics the opportunity to acquire a permanent tenure of landed property without limitations. Nevertheless, Robert E. Burns writes, “The Catholic relief act...was the first significant breach of that comprehensive system of legal discrimination.”<sup>1165</sup> The influence of Burke did not end there. Succeeding relief acts in 1782 and 1791-93 that overturned penal law measures against Catholic businessmen and other professionals, as well as against the secular clergy and Church hierarchy, were motivated by the precedent set by the Catholic Relief Act of 1778.<sup>1166</sup>

### *Limitations*

Overall, while Burke’s *Tracts* is an impressive attempt to outline the consequences of the penal laws on the Irish Catholic population, he overlooks particular facts and historical trends that provide additional nuance into his wholly negative portrayal of the regulations. For instance, while Burke was correct in highlighting the decline of the Catholic landed aristocracy, the irony is that in spite of the penal laws, a vibrant middle class of new Catholic merchants emerged as a socioeconomic force in the first half of the eighteenth century in Ireland.<sup>1167</sup> Because they were deprived of landed property rights, Catholics became increasingly drawn to the pull of commerce.

The willingness of Catholics to pursue trading activities received an implicit sanction from Protestant gentlemen. In addition to their general hostility toward the Catholic religion, Protestants demonstrated contempt toward profit-making enterprises. This disapprobation created an opening for Catholics to pursue new economic opportunities, as exemplified by

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<sup>1165</sup> Burns, “The Catholic Relief Act in Ireland, 1778,” *Church History* 32 (1963): 181.

<sup>1166</sup> Burns, “Catholic Relief Act,” 181.

<sup>1167</sup> See Wall, “Rise of a Catholic Middle Class,” for a description of this phenomenon.

their bustling trading activities in the city of Cork. Catholic merchants typically lived modest lifestyles, eschewing the sparkle of luxury in favor of frugality and hard work. In this sense, the Catholic merchant class resembled the middlemen that Burke defended in *Thoughts and Details*, as described in Chapter 4.<sup>1168</sup> More so, beyond Protestant gentlemen, Protestant *traders* disdained this new merchant class not simply because of their religious identity but because they injected competition into Protestant-dominated commercial industries.

A further implication that aided Catholic traders was the question of generating revenue. Being that the Irish Parliament consisted primarily of landed aristocrats, the idea of imposing additional taxes on land was anathema. The Irish Parliament had taxed commerce from the late seventeenth century to the late eighteenth century to raise money for the state, but the prospect of imposing additional penal taxes on traded goods raised the concern that the taxes would diminish revenue. Thus, Maureen Wall writes, this fear was a “protection for catholic merchants and traders against any suggestion of penal taxes on their commercial activities.”<sup>1169</sup>

While Burke is correct in stating that the penal codes inflicted burdens on Catholics who desired to serve in the legal profession, moreover, their work might not have suffered to the extent that he suggests in *Tracts*. Catholics could still enter the profession through nominal conformity to the Established Church. Indeed, the pragmatic tendency for Catholics to swear public allegiance to the Church while still retaining their Roman Catholic

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<sup>1168</sup> Other connections draw this Irish Catholic merchant experience together with the traditional patterns of middlemen, as exemplified by the classic case of the Jews. In both cases, traders relied on their network of personal contacts, a shared religious or cultural identity, and individual initiative to employ people of a similar background. These experiences were not unlike the activities of merchants in Britain. See Wall, “Rise of a Catholic Middle Class,” 112-13.

<sup>1169</sup> See Wall, “Rise of a Catholic Middle Class,” 96.

background, such as being married to a Catholic wife and raising children Catholic, was a source of anger among some Protestants.<sup>1170</sup> (Remember also the historical evidence that suggests Burke's father, Richard, conformed to the Established Church.) The ease with which Catholics could conform further spread anxieties within the Protestant Ascendancy. Accordingly, those converts in the legal profession hailing from Catholic families were still able to attract clients, particularly in Dublin. The irony is that this phenomenon illuminates another negative effect of the penal codes Burke suggests in *Tracts* but does not specifically state: they motivated people to circumvent the laws, or at least soften their punitive impact.

*Tracts* does not seriously engage these unintended effects of the penal laws.

Nevertheless, it still provides an important part of Burke's conception of political economy because it explores the broader philosophical implications of *property* in greater depth than in *Thoughts and Details* (as would be expected, since the two writings addressed two different historical circumstances). As mentioned, these implications included the odious consequences the penal laws imposed on Catholic families. Burke discusses additional implications of the penal laws, however, including those related to the idea of reform, the cultivation of character, and the connection between property and law. Burke's reflections also reveal his assessment of the compatibility between landed property and commercial industry. These final themes will be discussed below.

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<sup>1170</sup> See Kenny, "Exclusion of Catholics," 353. See also Ian McBride, "Burke and Ireland," in *The Cambridge Companion to Edmund Burke*, eds. David Dwan and Christopher J. Insole (Cambridge: Cambridge University Press, 2012), 187-88; and T.P. Power, "Conversions among the legal profession in Ireland in the eighteenth century," in *Brehons, Serjeants and Attorneys: Studies in the History of the Irish Legal Profession*, eds. Daire Hogan and W.N. Osborough (Dublin: Irish Academic Press, 1990), 153-73.



*Improvement of the Land*

According to Burke, landed property is the parent of material improvement because the extended length of possession allows owners to ameliorate the estate through industry over time. A short land tenure of thirty years

is evidently no tenure upon which to build; to plant; to raise enclosures; to change the nature of the ground; to make any new experiment which might improve agriculture; or to do any thing more than what may answer the immediate and momentary calls of rent to the landlord and leave subsistence to the tenant and his family.<sup>1171</sup>

The guarantee of land possession for long periods of time allows for refinements and adjustments to agricultural practices. Such changes are gradual, accreting slowly throughout many years. Therefore, the penal laws' severe restrictions on Catholic land possession was "one of the most capital discouragements to all that industry which may be employed on the lasting improvement of the soil, or is any way conversant about land."<sup>1172</sup> That Burke writes "lasting improvement" rather than simply "improvement" underscores his belief that positive changes to estates *endure* when the possession of land is secured for multiple generations.

Even though Burke and Adam Smith possessed different views on the virtues of primogeniture, Smith also thought that abbreviated land tenure softens man's desire to ameliorate. "Farms set out for long leases or feus are those which tend most to the improvement of the country," Smith observes in *Lectures on Jurisprudence*. "Short ones, as leases at pleasure, can never induce the tenent to improve, as what he lays out will not be on

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<sup>1171</sup> Langford, *Writings and Speeches*, IX, 476-77.

<sup>1172</sup> Langford, *Writings and Speeches*, IX, 476.

his own account but on an others.”<sup>1173</sup> For both thinkers, extended leases on property introduce the incentive to plan ahead.

Burke’s comments on the ameliorative capacities of the Irish hindered by the penal laws highlight an underappreciated aspect of his commentary on reform. Scholars have rightly noted Burke’s conviction that reform—meaningful change that helps the human condition and perseveres over time—should unfold incrementally rather than all at once. Burke’s notion of reform also demands retaining the foundations and principles that allow change to occur in stable political environments. More so, a state cannot preserve if it cannot adjust to evolving circumstances. A “state without the means of some change is without the means of its conservation,” he famously wrote in *Reflections*.<sup>1174</sup> Organic reform is fundamental to the perpetuation of civil society.

One overlooked pattern in Burke’s thought, however, is that he applies this conception of reform to his commentary on subjects relating to political economy.<sup>1175</sup> He notes in *Tracts* that Ireland is an underdeveloped kingdom, and laws that curb the amelioration of land aggravate this poor condition of uncultivated Irish property. Because of the short duration of land tenure, the possessor of land had little interest in strengthening the quality of the farm and the estate’s living arrangements, not to mention in providing “fences and communication.”<sup>1176</sup> “The land owner there never takes upon him, as is usual in this Kingdom, to supply all these conveniences,” Burke states, “and to set down his tenant in

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<sup>1173</sup> Smith, *Lectures on Jurisprudence*, 70-71.

<sup>1174</sup> Langford, *Writings and Speeches*, VIII, 72.

<sup>1175</sup> As discussed, this dissertation’s conceptualization of political economy includes landed property in addition to commercial markets.

<sup>1176</sup> Langford, *Writings and Speeches*, IX, 477.

what may be called a completely furnished farm.”<sup>1177</sup> Burke holds the penal laws responsible for reducing the condition of Irish property to a wretched state of degradation.

Burke contrasts the penal laws with the Roman law of emphyteusis, which originated from early Greek property law, in order to buttress his insight into the importance of improvement. Emphyteusis was a contract granting a tenant the opportunity to lease a landed estate. One chief stipulation of the contract was that the lessee ameliorate the condition of the property.<sup>1178</sup> Therefore, Burke continues, the Romans “encouraged a more permanent letting on farm, with the condition of improvement as well as of annual payment on the part of the tenant where the land had lain rough and neglected...”<sup>1179</sup> Emphyteusis promoted the progressive development of estates.

Accordingly, as Burke demonstrates in his quotations above in *Tracts*, incremental improvement applies not only to political, legal, and social customs but also to the amelioration of *landed* property. The possessor of land can enhance its quality day by day. He, or his family members or employees, can till the fields, experiment using new agricultural techniques, and enrich the soil. Burke’s aforementioned legislative efforts regarding the Free Port Act of 1766 and the Irish trade bills further vindicate his fidelity to gradual economic reform.

#### *Improvement, Character, and Social Associations*

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<sup>1177</sup> Langford, *Writings and Speeches*, IX, 477.

<sup>1178</sup> See William R. Johnston, “A Roman ‘Perpetual’ Tenure,” *The University of Toronto Law Journal* 3 (1940): 323-347. Emphyteusis was very similar to the custom of fee-farm, in which land was leased to a tenant who was responsible for paying rent. See J.L. Montrose, “Fee-Farm Grants,” *Northern Ireland Legal Quarterly* 3 (1939): 40-46.

<sup>1179</sup> Langford, *Writings and Speeches*, IX, 477. In describing emphyteusis, Burke does note that the Romans had “extended the ordinary term of their location only to nine years.”

For Burke, the security of property does not merely encourage material amelioration. It also broadens and deepens the mind of the landowner so that he takes an enlarged, long-term vision of the land. “The desire of acquisition is always a passion of long views; confine a man to momentary possession, and you at once cut off that laudable avarice which every wise State has cherished as one of the first principles of its greatness,” he writes.<sup>1180</sup> Similar to what Burke wrote thirty years later in *Thoughts and Details*, here he praises avarice, appropriately understood as enlightened self-interest, as a spring for national prosperity. In the context of *Tracts*, however, the important point is that the natural impulse of acquisition, while commendatory, is disciplined in a salutary way because private land ownership demands that the possessor create a long-term vision of the expectations necessary to preserve and enhance wealth.

Burke insinuates, though never explicitly writes, what this vision requires: responsibility, stewardship, and ingenuity. These traits steer “laudable avarice” in a direction that would help strengthen the quality of land. The security of land allows man’s passion for acquisition to soften and extend throughout time, so that owners and tenants can govern their emotions in a way that allows their families to enjoy in the permanent advantages of properly cultivated property. In other words, conserving and augmenting the condition of land over many years requires the taming of instant self-gratification.

The alternative is delighting in transient moments of pleasure. For Burke, preventing Catholics from possessing landed property encourages them to pursue such personal indulgence at the expense of lasting happiness:

Allow a man but a temporary possession; lay it down as a maxim, that he never can have any other, and you immediately and infallibly turn him to temporary enjoyments; and these enjoyments are never the pleasures of labour and free

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<sup>1180</sup> Langford, *Writings and Speeches*, IX, 477.

industry, and whose quality it is to famish the present hours, and squander all upon prospect and futurity; they are, on the contrary, those of a thoughtless, loitering, and dissipated life. The people must be inevitably disposed to such pernicious habits, merely from the short duration of their tenure which the Law has allowed.<sup>1181</sup>

The fleeting nature of Catholic land tenure confines the mind of the possessor. He is not motivated to create a carefully planned blueprint for the future of the land when he will have to relinquish it in his lifetime. Hence the possessor is prompted to delight in fleeting moments of joy. Because these pleasures gratify instantly, they invite men to be thoughtless, lazy, and self-indulgent. Consequently, Burke lambastes the penal laws because they prevented Catholics from improving the quality of property over time. The laws provided disincentives for Catholics *not* to arrange and cultivate land through trial-and-error experimentation and refinement, rendering the family's intergenerational commitment to organic reform a fruitless task.

Burke's comments on the nexus between landed property and the landowner's behavior demonstrate another feature of his perspective on the link between economics and politics: a political community that suppresses rights to property ownership discourages the cultivation of character. In Burke's judgment, property can strengthen character when its possessors are secured land for the long-term. The lasting improvement of property necessitates diligence, industry, vision, and fortitude. Control over one's future demands that the owner consider the broad consequences of indolence, irresponsibility, and hedonistic behavior. The possessor of land will experience the immediate consequences of such negligent conduct, so he is more likely to act morally and judiciously. Burke's ultimate

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<sup>1181</sup> Langford, *Writings and Speeches*, IX, 477.

message is that the protection and improvement of property over long periods requires, and encourages, the practice of virtue. Time disciplines man.

There remains one more crucial point. Burke indicates in *Tracts* that the cultivation of commercial virtue coexists with the traditional virtues of love and gratitude. Recall that Burke condemned the penal laws for atomizing individual family members, thereby eroding the social bonds that tied parents and children to one another. The laws pushed family members to release themselves from ethical obligations and sentiments of affection essential to sustaining the intergenerational ownership of an estate.

Therefore, Burke illustrates that the pillars of *community* are weakened by laws regulating the maintenance and transfer of property. Communities consist of strong families, connected by love and affection for one another. The individual, then, is not an isolated entity but a social creature who forms his character in his family and in other human associations. Laws that dilute the power of love between members in families, and in civil society, erect a bull's-eye aimed at the moral fabric of the community.

#### *Improvement and Commercial Activity*

Remember that Burke is not simply referring to the stewardship of land in his discussion of the long-term consequences of the penal laws' limitations on Catholic property ownership. The regulations also depressed *commercial* improvement by preventing Catholics from possessing the fruits of their industry and trade. "[Industry] is further discouraged by the limitation of its own direct object, profit," Burke writes. "This is a regulation extremely worthy of our attention, as it is not a consequential, but a direct discouragement to

melioration; as directly as if the Law had said in express terms, “Thou shalt not improve.”<sup>1182</sup>

The penal laws frustrated improvement by curbing the incentive of profit for Catholics committed to trading activities. For Burke, a properly conditioned avarice that would normally drive Catholics to be industrious was nugatory because they did not possess the right to reap what they sowed.

The penal laws also disabled traders from employing their knowledge and resources to help better the condition of land. This was an “evil effect”<sup>1183</sup> of the laws, Burke states. He elaborates:

They must have observed very little who have not remarked the bold and liberal spirit of improvement, which persons bred to trade have often exerted on their land purchases; that they usually come to them with a more abundant command of ready money than most landed men possess; and that they have in general a much better idea, by long habits of calculative dealings, of the propriety of expending in order to acquire.<sup>1184</sup>

Traders possess a repository of knowledge about the function of money in the process of improving the estate. They have the experience—“long habits”—necessary to determine whether specific financial investments and trades are worth the risk. In Burke’s view, men accustomed to trading activities hold these advantages over the archetypal landed gentleman, who did not typically engage in commercial exchange and thus did not carry the stock of accumulated knowledge and experience necessary to make sound improvements to the landed estate.

Burke is especially insistent on this point. He continues:

Besides, such men often bring their spirit of commerce into their estates with them, and make manufactures take a root where the mere landed gentry had perhaps no capital, perhaps no inclination, and most frequently not sufficient knowledge to effect any thing of the kind. By these means what beautiful and

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<sup>1182</sup> Langford, *Writings and Speeches*, IX, 477.

<sup>1183</sup> Langford, *Writings and Speeches*, IX, 478.

<sup>1184</sup> Langford, *Writings and Speeches*, IX, 478.

useful spots have there not been made about trading and manufacturing towns, and how has agriculture had reason to bless that happy alliance with commerce; and how miserable must that nation be whose frame of polity has disjoined the landing and the trading interests.<sup>1185</sup>

Once again, the landed gentry did not possess the “sufficient knowledge” that traders do. Burke is known as an ardent defender of the landed aristocracy, but it is noteworthy in the two previous block quotations that he downgrades that class and elevates the role of the trader. Similar to his firm defense of middlemen in *Thoughts and Details*, Burke here unmasks an underappreciated strain of his thought that recognized and praised the critical role of commercial traders in political communities. Burke was not a blind advocate of the landed aristocracy and a reflexive nag to men who possessed an acquisitive spirit.

*The Relationship Between Landed Property and Industry*

By lamenting in the quotation above the “miserable” condition of a nation that separates the “landing and the trading interests,” Burke suggests that no inherent tension exists between the two. This belief becomes more acute during Burke’s discussion in *Tracts* of the conditions under which a nation thrives. The first quality Burke identifies of a “flourishing and prosperous” nation is “industry.”<sup>1186</sup>

Burke then describes the relationship between the penal laws and the discouragement of industry:

To begin with the first great instrument of national happiness, strength and industry, I must observe that although these Penal Laws do indeed inflict many hardships on those, who are obnoxious to them, yet their chief, their most extensive, and most certain operation is upon property. Those civil

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<sup>1185</sup> Langford, *Writings and Speeches*, IX, 478.

<sup>1186</sup> The other sources of a nation that flourish are “knowledge or skill; its morals; its execution of justice; its courage; and the national union in directing these powers to one point and making them all center in the publick benefit.” Langford, *Writings and Speeches*, IX, 476.



Constitutions, which promote industry, are such as facilitate the acquisition; secure the holding; enable the fixing and suffer the alienation of property. Every Law, which obstructs it in any part of this distribution, is in proportion to the force and extent of the obstruction a discouragement to industry.<sup>1187</sup>

These comments,<sup>1188</sup> coupled with the aforementioned quotation about the “miserable” state of a nation that divides economic interests into self-contained spheres, exhibit one of the most significant themes Burke emphasizes in his concluding remarks of *Tracts*: property and industry are not mutually antagonistic forces but harmonizing elements in a body politic. “For a Law against property, is a Law against industry,” Burke states, “the latter having always the former, and nothing else, for its object.”<sup>1189</sup> Burke’s conception of property in *Tracts*, then, is two-tiered. The first tier is property is land, and the next consists of acquired property through industry and commercial activity. Land is the most important kind of property because it “is the foundation and support of all the other kinds...”<sup>1190</sup>

Burke does not sufficiently elaborate on this reasoning in *Tracts*. In taking into consideration Burke’s remarks in *Tracts*, *Address and Petition*, his *nullum tempus* writings, and *Thoughts and Details*, however, one can attempt to outline a provisional framework of his beliefs about the convergence between land and industry: political communities flourish when the element of permanence and the vitality of commerce coexist. The former provides the stable foundations for the protection of liberty by furnishing moderation; the latter uses such freedoms to create material advantages and improvements for people.

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<sup>1187</sup> Langford, *Writings and Speeches*, IX, 476.

<sup>1188</sup> This quotation also shows that while Burke displayed concern about the malevolent effects of the penal laws on the religious consciences of Catholics, the foremost object of his ire was property, not religious conformity.

<sup>1189</sup> Langford, *Writings and Speeches*, IX, 476.

<sup>1190</sup> Langford, *Writings and Speeches*, IX, 476.

In this light, industrious activity and commercial vibrancy are essential to a commonwealth. Industry inculcates virtue and hard work, and commercial activity in market economies engineers the smooth allocation of provisions, promotes public prosperity, and fulfills the needs of consumers. Burke understood political economy to be informed by the symphonic expression of land and industry, blending with and balancing each other out to maintain a careful socioeconomic equipoise.

Burke's reflections on land and commerce intimate further that one element without the other imperils the common good. A community without landed estates lacks the constancy of stability. But a community without trading activity is deficient in the "laudable" spirit of avarice, as Burke said, as well as in ingenuity, commercial knowledge, and the appetite for material improvement. These virtues were all necessary for the economic efflorescence of a nation.

In Burke's judgment, then, the penal laws produced a two-tiered effect on the operation of political economy. First, they crippled the ability of Irish Catholics to preserve families and estates throughout multiple generations, thereby corroding social order. Second, the laws also weakened the incentive to improve the quality of land. This consequence undercut the potential of traders to partner with landed aristocrats to utilize the former's knowledge of commerce for the advantage of both.

Burke suggests in this commentary that the pursuit of enlightened self-interest—presiding over one's estate, engaging in industrious activities, experimenting with new agricultural tools—is inextricably linked with the good of the community. For Burke, the individual right to private property is not a warrant for unhinged greed. Rather, the stewardship and improvement of land engenders the steadying presence of social order and the healthy pursuit for material comfort. Thus Burke's concept of the "benign and wise

disposer of all things”<sup>1191</sup> makes an appearance in *Address and Petition* and *Tracts* years before he explicitly states it in *Thoughts and Details*. In his judgment, private initiative led to collective flourishing in England and Ireland.

Perhaps now we have arrived at one part of Burke’s conclusion about the sphinx of political economy, that of reconciling the material pursuit of wealth with traditional virtue. Burke’s appraisal of both landed aristocracies and traders suggests that there might not even be a sphinx to political economy. Each group might hold an important place in furnishing a particular, indispensable element to the preservation and flourishing of human society. The question remains whether Burke applied this reasoning to his commentary on perhaps the most calamitous political event in his lifetime.

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<sup>1191</sup> Langford, *Writings and Speeches*, IX, 125.

## Chapter 7: Burke's Idea of Political Economy in the Context of the French

### Revolution

#### a. Introduction

The integrity of Burke's beliefs about the relationship between exchange economies and landed property comes into full form in his commentary on the French Revolution. This commentary was defined by Burke's famous denunciation of the Revolution, *Reflections on the Revolution in France*, but also included his other writings and speeches on the historical event, such as *Speech on Army Estimates* (1790); *Appeal from the New to the Old Whigs* (1791); *Remarks on the Policy of the Allies* (1793); and *Letters on a Regicide Peace* (1795-1797).<sup>1192</sup> The following analysis of Burke's conception of political economy will be driven by *Reflections*, but will also weave in his observations from these other writings and speeches.

Before proceeding, we must summarize Burke's general critique of the French Revolution.<sup>1193</sup> Burke lashed out at Jacobin revolutionaries for seeking the radical transformation of French politics and society. Named after the Jacobin convent in which they met,<sup>1194</sup> Jacobins sought to overthrow the French monarchy, diminish the Catholic Church, eradicate social hierarchies and privileges, discard the remnants of feudalism, eliminate the hereditary aristocracy, secularize the public sphere, and democratize political institutions. Immediate revolution was desired over incremental reform. Burke further

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<sup>1192</sup> Burke's other notable commentary on the French Revolution include *Letter to a Member of the National Assembly* (1791) and *Thoughts on French Affairs* (1791).

<sup>1193</sup> For authoritative overviews of the French Revolution, see, among many sources, Simon Schama, *Citizens: A Chronicle of the French Revolution* (New York: Alfred A. Knopf, 1989); William Doyle, *The Oxford History of the French Revolution* (Oxford: Clarendon Press, 1989); and P.M. Jones, *Reform and Revolution in France: The Politics of Transition, 1774-1791* (Cambridge: Cambridge University Press, 1995).

<sup>1194</sup> Doyle, *Oxford History of the French Revolution*, 142. The group broke off from the "Breton Club," composed of deputies who first convened in Versailles. See also Schama, *Citizens*, 479.

denounced the broader philosophical vision of Jacobinism, which wielded abstract reason as an intellectual weapon to advance their larger political objectives. This conception of reason was captured by the Revolution's slogan *liberté, égalité, fraternité*—liberty, equality, fraternity.

Burke said in *Speech on the Army Estimates*, his first public commentary on the French Revolution presented in February 1790, that the French had “completely pulled down to the ground, their monarchy; their church; their nobility; their law; their revenue; their army; their navy; their commerce; their arts; and their manufactures.”<sup>1195</sup> Notice that, as evidenced by his reference to commerce and manufactures, Burke associates the commencement of the revolution with the descent of the French economy. This destruction of France's economic, and political structures, reflected the ghastliest impulse of the French Revolution: Jacobins' desire to remodel man in order to bring about a state of human perfection.

Consequently, commentary on Burke's critique of the French Revolution has focused on his rebuke of Jacobins' idea of abstract reason; Jacobins' frenzied desire to radically overthrow existing institutions; and their utter rejection of the ancestral traditions that built up French political order. The following analysis, however, will focus on Burke's observations about the nexus between the French Revolution and his notion of political economy. This area continues to be an underexplored aspect of Burke's analysis of the Revolution, and yet it remains one of the most significant parts of his criticism.

In this light, even though Burke's treatment of the French Revolution—most conspicuously in *Reflections*—was a mix of philosophic substance, rhetorical persuasion, and polemical bromide, one can detect a coherence of thought on Burke's conception of political economy as it related to the Revolution. This coherence mirrored Burke's previous

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<sup>1195</sup> Langford, *Writings and Speeches*, IV, 285.

statements throughout his public career on the roles of the landed and moveable property in a political community. The significance of these thoughts penetrates even further to the core of Burke's broader understanding of the role of economics in the wider growth of civilizational order. In short, one cannot truly grasp Burke's philosophy of political economy unless he understands Burke's economic critique of the Revolution.

### **b. Property as a Constitutional Bulwark**

Burke articulated the merits of landed property in his statements on the *Nullum Tempus* affair and the penal laws, among various writings. Yet in light of the French Revolution's drive to eliminate the remnants of feudalism, Burke recognized the particular importance of highlighting the salutary function of landed estates in civil society. Estates furnished the virtues of political stability and moderation, both of which were the preconditions for the preservation of ordered liberty. Burke writes in *Third Letter on a Regicide Peace* that landed property is "in it's nature the firm base of every stable government..."<sup>1196</sup> He references Aristotle,<sup>1197</sup> who, according to Burke, "observes that the agricultural class of all others is the least inclined to sedition."<sup>1198</sup> Burke marks his belief that the intrinsic characteristic of land was its stabilizing presence, cleansed of any temptation to threaten political order. He also demonstrates that his view of property contains resonances with classical notions of the role of land in a *polis*.<sup>1199</sup> In short, the landed aristocrat was dedicated

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<sup>1196</sup> Langford, *Writings and Speeches*, IX, 374.

<sup>1197</sup> Burke refers to Aristotle as "the Stagyrte," named after the classical Greek city, Stagira, in which Aristotle was born.

<sup>1198</sup> Langford, *Writings and Speeches*, IX, 374.

<sup>1199</sup> Burke also mentions Cicero as a thinker who, "above all" classical writers, also reflected this understanding of property.

to furthering the good of the community, and exhibited a cast of mind inclined toward virtue and prudence, not radicalism.

Modern understandings of liberty, particularly in the West, identify individual liberty with the flourishing of commercial enterprise in metropolitan areas inhabited by powerful bankers, traders, and businessmen. Nonetheless, the important point to grasp about Burke's conception of the relationship between property and liberty is that, in his judgment, freedom was maintained not because of the activities or intellectual pursuits of urban elites but because of the anchor of landed property. If there was one factor that had contributed to England's "steady resistance, the fortunate issue, and sober settlement, of all our struggles for liberty," Burke writes in *Third Letter on a Regicide Peace*, it was that the landed interest had been "in close connexion and union with the other great interests of the country..."<sup>1200</sup> Therefore, it had been "spontaneously allowed to lead and direct, and moderate all the rest."<sup>1201</sup>

The landed interest was also the author of political permanence. In *Reflections*, Burke emphasizes how the preservation of property within families provides an element of continuity in commonwealths:

The power of perpetuating our property in our families is one of the most valuable and interesting circumstances belonging to it, and that which tends the most to the perpetuation of society itself. It makes our weakness subservient to our virtue, it grafts benevolence even upon avarice. The possessors of family wealth, and of the distinction which attends hereditary possession (as most concerned in it), are the natural securities for this transmission.<sup>1202</sup>

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<sup>1200</sup> Langford, *Writings and Speeches*, IX, 374.

<sup>1201</sup> Langford, *Writings and Speeches*, IX, 374-75.

<sup>1202</sup> Langford, *Writings and Speeches*, VIII, 102.

There is a smooth consistency between these insights and Burke's commentary on the penal laws that oppressed the Irish Catholics. By furnishing the virtue of stability, private property becomes the backbone of an enduring political order. The superintendence of property tames man's bases passions and elevates his capacity for moral action. More so, *families* are the social units responsible for tending to property. The inherited property rights of families throughout generations generate constancy amidst the unpredictable zigging and zagging of mundane human activities. Families are the guardians of stable political communities, and the perpetuators of constitutional government.

The families Burke had in mind were generally members of the hereditary aristocracy. Burke displays a tendency in *Reflections* to glorify this social class, giving fuel to his critics who rebuked him for overlooking the hardships of French commoners under Louis XVI. Yet in this section of *Reflections*, Burke offers some context for his appraisal of hereditary aristocrats, while implicitly suggesting their negative qualities. "Let those large proprietors be what they will," Burke states, "and they have their chance of being amongst the best, they are at the very worst, the ballast in the vessel of the commonwealth."<sup>1203</sup> Illustrating his gift for metaphor, Burke reinforces his belief that even if propertied families were sluggish, they still provided the stability—the "ballast"—necessary for social order.

Burke then admits that hereditary wealth, and hereditary aristocrats, are "too much idolized by creeping sycophants, and the blind abject admirers of power..."<sup>1204</sup> The existence of large wealth sparks jealous fawners to desire it with odious impropriety. Yet Burke insists that, because of the significant role hereditary aristocrats played in a commonwealth, they deserved special privileges. "Some decent regulated pre-eminence, some preference (not

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<sup>1203</sup> Langford, *Writings and Speeches*, VIII, 102.

<sup>1204</sup> Langford, *Writings and Speeches*, VIII, 103.



exclusive appropriation given) given to birth is neither unnatural, nor unjust, nor impolitic,” he writes.<sup>1205</sup> Not only does landed property fulfill an indispensable role in fostering political moderation, but the state should bestow explicit privileges upon propertied landowners for this very reason.

Burke’s beliefs about property align comfortably with his broader political philosophy. The growth of political order requires retaining the best traditions created and perpetuated by previous generations, including the conventional protection of the landed aristocracy. As stated at the beginning of this dissertation, Burke notes in *Reflections* that Britain had an “inheritable crown; an inheritable peerage; and an house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors.”<sup>1206</sup> The protection of property was a symbol of Britain’s rich constitutional heritage, and served as the pillar of its political prosperity.

The enduring role of private property in a commonwealth also sheds light on Burke’s epistemology of political philosophy. Britain’s constitutional tradition of protecting property reflected the distilled wisdom of many generations, preserving and enhancing chartered English liberties. He writes in *Reflections*:

You will observe, that from Magna Charta to the Declaration of Right, it has been the uniform policy of our constitution to claim and assert our liberties, as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom without any reference whatever to any other more general or prior right.<sup>1207</sup>

To Burke, the protection of English property rights did not derive from an abstract claim to liberty—a “general or prior right”—expressed by a single intellectual thinker.

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<sup>1205</sup> Langford, *Writings and Speeches*, VIII, 103.

<sup>1206</sup> Langford, *Writings and Speeches*, VIII, 83.

<sup>1207</sup> Langford, *Writings and Speeches*, VIII, 83.

Instead, this protection was the delicate embodiment of a rich inheritance of laws, customs, and institutions that were adjusted and updated to fit contemporaneous circumstances.

England's Magna Carta and Declaration of Rights, both of which protected the rights of Englishmen against the king, exemplified this proud tradition of English liberty. They were not theoretical treatises written by a brilliant philosopher dedicated to laying out a vision for a perfect world, but rather practical documents committed to securing to Englishmen the tangible rights of liberty and property. In short, England's conventions protecting property were the result of collective wisdom, not individual ingenuity.

### **c. The French Revolution's Attack on Church Property**

The French Revolution erected a direct bull's-eye at Burke's cherished beliefs about property. For Burke, ambitious revolutionaries wished to transform property from a foundation of political constancy into a weapon for radical social change. Any possible good-faith efforts to remedy the abuses of the ancien régime collapsed into a ruthless quest to destroy the private right to possess land. This point is essential to understanding Burke's treatment of the French Revolution: while Burke has attained a reputation for blasting abstract reason and lamenting the loss of chivalry in his commentary in *Reflections*, the concrete object Burke believed to be threatened during the Revolution was the *landed property* of ecclesiastical and secular authorities. Hence, because property was an essential part of Burke's thought, the Revolution's attack on property was also a direct challenge to his convictions on political economy.

In Burke's judgment, the chief culprit of this attack was Jacobinism, which he describes in *Fourth Letter on a Regicide Peace* as "the revolt of the enterprising talents of a

country against its property.”<sup>1208</sup> In *Third Letter on a Regicide Peace*, Burke states that the “present war is, above all others, (of which we have heard or read) a war against landed property.”<sup>1209</sup> In October 1789, five months after the convening of France’s Estates General, the country’s legislative assembly traditionally divided into the clergy, the aristocracy, and the commoners, Burke insisted that he would welcome the anticipated changes in France as long as he was assured that its citizens were “in a perfect state of legal security, with regard to his life,—to his property,—to the uncontrolled disposal of his person,—to the free use of his industry and his faculties...”, among various qualifications.<sup>1210</sup> As Burke predicted, these hopes would not be met.

In particular, Burke identified Jacobins’ war on the landed property of the Gallican Church, the Roman Catholic Church in France, as the trigger for the Revolution.<sup>1211</sup> The Church before the Revolution was “the most powerful organization inside the kingdom, with a physical presence to match,” writes Nigel Aston.<sup>1212</sup> The institution was emblematic of everything Jacobins despised about the ancien régime: the size of its landed wealth, the special privileges afforded to it, the smell of its feudal background—not to mention its seemingly dogmatic religiosity. The Church owned around one-tenth of the land surface in France.<sup>1213</sup> Its combined total of land rents and tithes generated approximately 250,000,000

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<sup>1208</sup> Langford, *Writings and Speeches*, IX, 103.

<sup>1209</sup> Langford, *Writings and Speeches*, IX, 374.

<sup>1210</sup> Charles William, Earl Fitzwilliam and Sir Richard Bourke, eds., *The Works and Correspondence of the Right Honourable Edmund Burke*, vol. 1 (London: Francis & John Rivington, 1852), 559.

<sup>1211</sup> Indeed, Schama writes that with “the momentous exception of the expropriation of the Church, between 1789 and 1792 the Revolution produced no significant transfer of social power. It merely accelerated trends that had been taking place over a longer period of time.” Schama, *Citizens*, 520.

<sup>1212</sup> Nigel Ashton, *Religion and Revolution in France, 1780-1804* (Washington, D.C.: The Catholic University of America Press, 2000), 3.

<sup>1213</sup> Jones, *Reform and Revolution in France*, 53.

*livres* in revenue every year. The Church was generally exempt from taxation, and thus contributed only a minuscule percentage of its revenue to the state.<sup>1214</sup> Note, however, that the percentage of clergy relative to the entire French population reduced significantly in the eighteenth century leading up to the Revolution.<sup>1215</sup>

Even before French revolutionaries confiscated church property, they had agreed upon a notorious series of decrees that portended the downfall of the Church and the hereditary aristocracy, driving a nail through the heart of the ancien régime. Starting on the infamous night of 4 August 1789, the French revolutionary government abolished feudalism and its attendant privileges and titles, including the seigneurial rights of the Second Estate, the landed nobility. It also mandated the end of ecclesiastical tithes for Catholic clergy of the First Estate. On 12 July 1790, the government passed the Civil Constitution of the Clergy, which granted the French state authority over the Gallican Church.

For Burke, the most abhorrent decision perpetrated by Jacobins was the gross seizure of church property. After the Estates General had dissolved and transformed into the democratic National Assembly and then the Constituent Assembly,<sup>1216</sup> Burke noted in *Speech on the Army Estimates* that the French

instantly, with the most atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church.<sup>1217</sup>

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<sup>1214</sup> See Jones, *Reform and Revolution in France*, 54; and Doyle, *Oxford History of the French Revolution*, 34. The Church did contribute a “free gift” every ten years that came from a tax on clerical income, and also paid interest on loans. See Doyle, *Oxford History of the French Revolution*, 34.

<sup>1215</sup> Jones, *Reform and Revolution in France*, 54.

<sup>1216</sup> The National Assembly operated from 17 June 1789 to 9 July 1789. The National Constituent Assembly lasted from 9 July 1789 to 30 September 1791. Its replacement, the National Legislative Assembly, convened its first session on 1 October 1791 and ended 20 September 1792.

<sup>1217</sup> Langford, *Writings and Speeches*, IV, 289.

Burke gave this speech on 9 February 1790. Three months earlier, on 2 November 1789, the Constituent Assembly voted to place the property of clergymen at the “disposal of the nation.”<sup>1218</sup> The idea, originating with Talleyrand, a French bishop no less, and formally proposed by Mirabeau, was raised for the ostensible purpose of refilling France’s treasury to pay down the national debt and stave off financial calamity.<sup>1219</sup> The measure turned the private possessions of the clergy into *biens nationaux*, or national goods, in effect nationalizing the Gallican Church and adding it to the royal estates already declared to be property of the state.<sup>1220</sup> Being that the Church was the shining ornament of French traditionalism, the confiscation of church lands for Jacobins signified the end of feudal oppression and the dawn of a new era of enlightenment.

This was a perilous first step, Burke believed. As he indicates above, the expropriation of church property laid down principles that could justify the state usurpation of all private property. More so, the decision violated the sacred trust—the “faith among men”—between government and its subjects that Burke thought to be fundamental to political order. And it is not insignificant that Burke connects the destruction of landed property with the steep decline of France’s “national prosperity,” hinting that he did not perceive an irreconcilable tension between land and commerce. In general, the Constituent Assembly’s confiscation of ecclesiastical estates showed that the “service of the state was

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<sup>1218</sup> Florin Aftalion, *The French Revolution: An Economic Interpretation*, trans. Martin Thom (Cambridge: Cambridge University Press, 1990), 62.

<sup>1219</sup> See Schama, *Citizens*, 482-83.

<sup>1220</sup> See E. Levasseur, “The Assignats: A Study in the Finances of the French Revolution,” *Journal of Political Economy* 2 (1894): 180.

made a pretext to destroy the church.”<sup>1221</sup> The Church was now subordinate to the whims of Jacobin revolutionaries in power. Religion became subservient to the state.

The confiscation of church lands obliterated Burke’s legal conception of property rights. Recall Burke’s conviction from the *Nullum Tempus* affair<sup>1222</sup> that the right to private property was rooted in the law of nature and acquired authority through prescription. The French Revolution spit on this idea. “With the national assembly of France,” Burke writes in *Reflections*, “possession is nothing; law and usage are nothing.”<sup>1223</sup> The assembly “openly reprobate[s] the doctrine of prescription...”<sup>1224</sup> Burke later said in a letter that a people

who could endure even to hear of a maxim that the goods of any one Citizen possessed by a long acknowledged legal title belong to the State, and that those who assume the exercise of sovereign Authority are free to take it from him and to make such a distribution of it as they please, such a People are not fit to sit in a seat of Judgment, or for any other function, because they despise the very foundation of social Union.<sup>1225</sup>

The Jacobin impulse to discard the doctrine of prescription in favor of property confiscation and redistribution shredded the roots of “social union”—i.e. civil society.

Burke makes an effort in *Reflections* to emphasize that natural law is the genesis of the prescriptive right to property. He remarks that the distinguished French lawyer Jean Domat said “with great truth” the doctrine of prescription was a “part of the law of nature.”<sup>1226</sup> Burke writes that Jacobins’ contempt for the legal doctrine rejected “this great fundamental

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<sup>1221</sup> Langford, *Writings and Speeches*, VIII, 170.

<sup>1222</sup> See Chapter 6.

<sup>1223</sup> Langford, *Writings and Speeches*, VIII, 200.

<sup>1224</sup> Langford, *Writings and Speeches*, VIII, 200.

<sup>1225</sup> Burke to Adrien-Jean-François Duport, *post* March 1790, in *The Correspondence of Edmund Burke*, vol. VI, *July 1789–December 1791*, eds. Alfred Cobban and Robert A. Smith (Cambridge: Cambridge University Press, 1967), 108.

<sup>1226</sup> Langford, *Writings and Speeches*, VIII, 200.

part of natural law.”<sup>1227</sup> *Reflections* is most famous for praising the authority of history and denouncing the dictatorship of abstract reason of the French Revolution. Nonetheless, it is significant that Burke retains his appraisal of natural law—one that informed his beliefs in the *Nullum Tempus* affair and in his commentary on the penal laws—in his defense of prescription in the writing. This conception of nature in *Reflections* is underdeveloped and unclear at times, but Burke’s appeal to it indicates an attempt to anchor the historical primacy of prescription in a firmer philosophical foundation.

Burke argues that the protection of private property was a principal reason for the formation of civil society in the first place—an insight not unlike Locke’s conception of civil society.<sup>1228</sup> Domat taught that “the positive ascertainment of [the doctrine of prescription]’s limits, and its security from invasion, were among the causes for which civil society itself has been instituted.”<sup>1229</sup> Private property is not simply a function of prescription rooted in natural law but a possession that demands security. The only way to furnish such protection is to create a political community in which the rights of property owners will be respected and honored.

For Burke, Jacobins’ failure to protect private property repudiated the principle of justice, thereby sparking a war on civil society. He writes, in referring to France’s confiscation of church lands, that “it is in the principle of injustice that the danger lies.”<sup>1230</sup> Again appealing to France, Burke states, “I see, in a country very near us, a course of policy

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<sup>1227</sup> Langford, *Writings and Speeches*, VIII, 200.

<sup>1228</sup> Note that both Burke’s and Locke’s invocation of “civil society” in this case was in reference to political communities removed from the state of nature, and was not simply the domain between government and the individuals in which intermediary institutions thrived.

<sup>1229</sup> Langford, *Writings and Speeches*, VIII, 200.

<sup>1230</sup> Langford, *Writings and Speeches*, VIII, 200.

pursued, which sets justice, the common concern of mankind, at defiance.”<sup>1231</sup> In addition, “Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all.”<sup>1232</sup> Civil society should pursue justice. France’s war on property was unjust. Therefore, in Burke’s judgment, Jacobins had failed to fulfill the ethical obligations of civil society, and instead had waged a militant campaign targeting its very foundations.

Burke’s theory of justice, like his understanding of nature, is not fully developed in his political writings and speeches. These quotations, however, present more evidence that interpreting *Reflections* through a lens of historical determinism ignores his deeper commitments to philosophical principles. As Burke states above, justice is not an aim to pursue in England or France but instead is the “common concern” of “mankind.” Indeed, it is striking that Burke issues an unequivocal, categorical statement—“under any circumstances”—to suggest that any deviation from justice is illegitimate policy. Burke was not a historical determinist in his commentary on property.

Because the French Revolution failed to protect private property, moreover, it rejected the salience of ordered social classes that Burke believed were essential to the preservation of a commonwealth. As discussed, the landed aristocracy for Burke engendered the crucial element of stability in political communities. But the transformation of the Estates General from an assembly of three social classes into one democratic mob critically perverted this order. The French “first destroyed all the balances and counterpoises which serve to fix the state; and to give it a steady direction; and which furnish sure correctives to any violent spirit which may prevail in any of the orders,” Burke says in *Speech on the Army*

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<sup>1231</sup> Langford, *Writings and Speeches*, VIII, 200.

<sup>1232</sup> Langford, *Writings and Speeches*, VIII, 205.



*Estimates*.<sup>1233</sup> The dispersed powers of social classes congealed into one dark slab of concrete to be brandished by the collective will of Jacobins, thereby removing that trait in a community—moderation—that could soothe the enthusiasms of political factions and thwart the concentration of power.

In *Reflections*, Burke also signals that the French Revolution's assault on property destroyed the capacity of monastic orders to make important contributions to French civil society. His argument on this topic attempts to rebut the Jacobin criticism that monasteries were inhabited by monks inclined to idleness and unproductivity. First, Burke conveys that even if monks were "lazy"<sup>1234</sup> in the sense of shunning manual labor, they still performed important rituals such as "singing in the choir."<sup>1235</sup> Burke here hints that spiritual ritual is as meaningful to civil society as material production. He goes so far as to say that he would favor relieving laborers of their "miserable industry"<sup>1236</sup>—i.e. manual work—rather than upsetting the repose of monasteries.

Before proceeding to discuss Burke's further comments on monasteries, it must be noted that Burke qualifies this statement about "miserable industry," and in doing so exposes a significant insight into his theory of political economy. He says that he would be more willing to protect workers from their degrading occupation—but only "if it were not generally pernicious to disturb the natural course of things, and to impede, in any degree, the great wheel of circulation which is turned by the strangely directed labour of these unhappy people."<sup>1237</sup> Burke traces the connection between private labor and the public good by

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<sup>1233</sup> Langford, *Writings and Speeches*, IV, 288-89.

<sup>1234</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1235</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1236</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1237</sup> Langford, *Writings and Speeches*, VIII, 209.

praising market liberalism for its efficient distribution of goods, and by affirming how market liberty reflects natural order. As demonstrated, Burke expressed these two tenets of his economic doctrine before and after the French Revolution. Burke does make an implicit concession that the advantages that flow from market exchange take precedence over the conditions of workers. He then qualifies this concession by saying “humanity, and perhaps policy, might better justify me in the one than in the other.”<sup>1238</sup> Nevertheless, Burke’s comments highlight his endorsement of liberal market exchange.

Burke is poised to attack the heart of the Jacobin logic that monasteries did not contribute advantages to the public weal. He praises the religious institutions not simply for providing stability or carrying out spiritual rituals but for generating tangible goods for public consumption:

Why should the expenditure of a great landed property, which is a dispersion of the surplus product of the soil, appear intolerable to you or to me when it takes its course through the accumulation of vast libraries, which are the history of the force and weakness of the human mind; through great collections of ancient records, medals, and coins, which attest and explain laws and customs; through paintings and statues that, by imitating nature, seem to extend the limits of creation; through grand monuments of the dead, which continue the regards and connections of life beyond the grave; through collections of the specimens of nature which become a representative assembly of all the classes and families of the world that by disposition facilitate and, by exciting curiosity, open the avenues to science?<sup>1239</sup>

The wealth from monasteries is channeled into gifts for the common good: libraries, archives, medals, coins, artwork, monuments, and scientific advancements. Monkish institutions of seeming idleness in Jacobin myth are provinces of ingenuity and progress in reality. Even monkish labor itself is useful: “Does not the sweat of the mason and carpenter,

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<sup>1238</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1239</sup> Langford, *Writings and Speeches*, VIII, 210.

who toil in order to partake of the sweat of the peasant, flow as pleasantly and as salubriously in the construction and repair of the majestic edifices of religion as in the painted booths and sordid sties of vice and luxury...?”<sup>1240</sup> The crux of Burke’s argument is that landed property owned by religious authorities contributes no less to the public good than the commercial wealth of moveable property.<sup>1241</sup> In confiscating lands that were supposedly inert, French revolutionaries undermined the aim they ostensibly sought to achieve: advance the social welfare.

Burke integrates this defense of monks with a deeper argument of epistemological uncertainty: how can one be sure that the new purchaser of the confiscated church property will be a better proprietor of land than the religious authority? Burke begins this reasoning by reviewing his conception of the proper functioning of a landed estate. “In every prosperous community,” Burke writes, “something more produced than goes to the immediate support of the producer.”<sup>1242</sup> This surplus makes up the income of the “landed capitalist,” which is then spent by a “proprietor who does not labor.”<sup>1243</sup> The idleness of the proprietor is not a hindrance to commercial prosperity but a facilitator of it by using his income wisely in the service of land improvement. The “only” concern of government, then, is that capital taken from the rent of land be “returned again to the industry from whence it came; and that its expenditure should be with the least possible detriment to the morals of those who expend it, and to those of the people to whom it is returned.”<sup>1244</sup> In essence, the single responsibility of the state is to ensure the conditions for the efficient use of capital in

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<sup>1240</sup> Langford, *Writings and Speeches*, VIII, 210.

<sup>1241</sup> Of course, as will be demonstrated, Burke thought that the two types of property were not mutually exclusive.

<sup>1242</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1243</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1244</sup> Langford, *Writings and Speeches*, VIII, 209.

the industry in which it originated, and to do so without corrupting the people's morals. This insight suggests some role for government activity to aid in promoting the public welfare, but Burke does not elaborate specifically on it here.

Burke applies his reasoning to the Constituent Assembly's expropriation of church lands. Before transferring authority to the confiscators, "we ought to have some rational assurance that the purchasers of the confiscated property will be in a considerable degree more laborious, more virtuous, more sober..."<sup>1245</sup> Burke insists it must be ensured that the new proprietors be "less disposed to extort an unreasonable proportion of the gains of the labourer, or to consume on themselves a larger share than is fit for the measure of an individual, or that they should be qualified to dispense the surplus in a more steady and equal mode, so as to answer the purposes of a political expenditure..."<sup>1246</sup> Burke is suggesting there is no assurance the buyers of the land will be better stewards and improvers of property than the supposedly ignorant monks. He associates the superintendence of church lands with labor, virtue, and sobriety, and intimates that religious authorities are less likely to exploit laborers and more likely to distribute income fairly than new purchasers.

Overall, although the Constituent Assembly's decision to seize church lands alerted Burke to the democratic despotism emerging within France, Burke's eyes laid beyond the country. His broader concern was that the precedent of property confiscation would spread throughout the rest of Europe. "I see the confiscators begin with bishops, and chapters, and monasteries, but I do not see them end there," Burke insists in *Reflections*.<sup>1247</sup> This dangerous principle could infect England:

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<sup>1245</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1246</sup> Langford, *Writings and Speeches*, VIII, 209.

<sup>1247</sup> Langford, *Writings and Speeches*, VIII, 200-01.

It is not the confiscation of our church property from this example in France that I dread, though I think this would be no trifling evil. The great source of my solicitude is, lest it should be ever considered in England as the policy of a state, to seek a resource in confiscations of any kind; or that any one description of citizens should be brought to regard any of the others, as their proper prey.<sup>1248</sup>

The principle of confiscating church property could explode into a sanction to usurp all kinds of property, ecclesiastical or secular. Note that Burke repeats a subtle point he suggested during his speech on the Church *Nullum Tempus* bill: threats to private property “of any kind,” not just those exclusively directed toward ecclesiastical possessions, endangered the community. Burke’s comment about citizens seeing each other as “proper prey” also exposes his anxiety that the seizure of property leads not simply to a war on property but to a war on one’s fellow man, creating an environment infected by envy and fear.

Who, then, were the Jacobin revolutionaries Burke assailed as the perpetrators behind the dissolution of property rights in France? They included the members of the *Tiers Etat*, the Third Estate, who dominated the National Assembly after incorporating the clergy and the nobility into the body. These members were practitioners of law, who were of “the inferior, unlearned, mechanical, merely instrumental members of the profession.”<sup>1249</sup> Undistinguished lawyers were joined by similarly inept doctors, illiterate “country clowns,”<sup>1250</sup> and narrow-minded businessmen. In Burke’s judgment, the principal defect of these members’ incapacity to rule was their failure to consider the common good of the state. He acknowledges in *Reflections* that many members possessed individual merit. In general, however, because of their inexperience in ruling, they became intoxicated by their

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<sup>1248</sup> Langford, *Writings and Speeches*, VIII, 203.

<sup>1249</sup> Langford, *Writings and Speeches*, VIII, 93.

<sup>1250</sup> Langford, *Writings and Speeches*, VIII, 93.

recent ascension to power. Because many were the product of new bourgeois wealth, moreover, they displayed a grave inattentiveness toward sustaining political stability in France. In other words, Burke is deriding the National Assembly for being vastly underrepresented in the landed interest—a class which, in his view, was eminently qualified to rule because of its commitment to advancing the public welfare. For Burke, however, the underrepresentation of the landed nobility was only the beginning of the economic torment fomented by Jacobinism.

#### **d. The Monied Interest and the *Assignats***

Burke's additional culprit of the French Revolution was the “monied interest.” This is a more obscure topic compared to Burke’s more famous attacks on Jacobinism, abstract reason, and the displacement of tradition. Yet the monied interest is central to his critique of the Revolution because it epitomized the dangers of combining state power with undisciplined avarice, two areas of immediate concern for Burke’s economic theory.

As its name suggests, the monied interest was not a class of abstract philosophers. It was, rather, a concoction of ambitious speculators, stockjobbers, and investors in government debt intent on wielding the cudgel of public credit to accelerate its pursuit for state power and earn a quick profit. Burke intended “monied interest” to be a pejorative term,<sup>1251</sup> radiating an image of unbridled rapacity and self-aggrandizement. “By the vast debt of France a great monied interest had insensibly grown up, and with it a great power,” he writes in *Reflections*.<sup>1252</sup> Observe, however, that by referencing that the interest had “grown

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<sup>1251</sup> This dissertation acknowledges the partisan nature of the term but will use it frequently for the sake of clarifying Burke’s condemnation of the *assignats*.

<sup>1252</sup> Langford, *Writings and Speeches*, VIII, 158.

up,” Burke insinuates that the monied interest did not, in fact, signify a radical thunderbolt to French society but had emerged concomitantly with the growth of the country’s debt obligations under the ancien régime.

Before exploring Burke’s critique of the monied interest, it must be emphasized that Burke was not an opponent of money and investment. On the contrary, he was a vocal supporter it. That Burke was a leading advocate in Parliament of foreign and domestic trade liberalization, as this dissertation has discussed at length, provides sufficient evidence of this assertion. More so, Burke defends the free circulation of money and the rights of investors in *Third Letter on a Regicide Peace*, which he had begun drafting in late 1796, when the French Revolution was being waged under the French Directory. The value of money, Burke insists in the letter, “must be judged like every thing else from it’s rate at market.”<sup>1253</sup> In addition, to “force that market, or any market, is of all things the most dangerous.”<sup>1254</sup> The former statement unites strongly with Burke’s embrace of supply and demand principles in *Thoughts and Details*, while the latter is reminiscent of the tract’s declaration that out of all economic innovations, an “indiscreet tampering with the trade of provisions is the most dangerous...”<sup>1255</sup> Burke was a proponent of market liberalism during the time of the French Revolution.

In *Third Letter* Burke provides a firm defense of the liberty to pursue financial opportunities. “The monied men have a right to look to advantage in the investment of their property,” Burke writes.<sup>1256</sup> Burke’s subsequent comments cast light on his deeper understanding that investment involves uncertainty, which helps explain its heightened cost:

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<sup>1253</sup> Langford, *Writings and Speeches*, IX, 346.

<sup>1254</sup> Langford, *Writings and Speeches*, IX, 346-47.

<sup>1255</sup> Langford, *Writings and Speeches*, IX, 120.

<sup>1256</sup> Langford, *Writings and Speeches*, IX, 347.

“To advance their money, they risk it; and the risk is to be included in the price.”<sup>1257</sup> In pinpointing the element of risk, Burke displays a sophisticated understanding of the fragile nature of financial investment. He supports speculative investment here on the basis that the potential rewards for successful projects may be lucrative, but the losses might also be substantial, which, Burke writes, “would amount to a tax on that peculiar species of property.”<sup>1258</sup> In light of portrayals of Burke’s defense of traditionalism resisting the burst of modern bourgeoisie culture, it is noteworthy that he champions this right of investors to pursue profit.

Burke also did not wholly reject the idea of national debt. In fact, he had defended public credit after the publication of *Reflections*. In *First Letter on a Regicide Peace*, published in 1796, Burke writes that public credit, with reference to England, was a “great but ambiguous principle” that “has so often been predicted as the cause of our certain ruin, but which for a century has been the constant companion, and often the means of our prosperity and greatness...”<sup>1259</sup> The existence of state debt did not portend financial calamity but instead nourished England’s economy.

Why, then, did Burke target his ire toward the “monied interest” in *Reflections*? First recall that the confiscation of Gallican Church property was initially justified in order to ensure stability in France’s public finances. The French government’s plan was to sell off expropriated church lands, with the hope that the funds would be able to pay back the state’s debt service or the national debt, thereby restoring its credit. Sound state credit carried

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<sup>1257</sup> Langford, *Writings and Speeches*, IX, 347.

<sup>1258</sup> Langford, *Writings and Speeches*, IX, 347.

<sup>1259</sup> Langford, *Writings and Speeches*, IX, 230.



profound geopolitical implications: it was a means to fund military expeditions, enabling rulers to pursue their imperial ambitions with the ostensible backing of the people.

Burke's worry in the case of France was that the monied interest had exploited public credit to exert disproportionate political influence in the conduct of government operations, including ordering the interests' representatives in Parliament to carry out policy objectives.<sup>1260</sup> In particular, the union between this monied interest and the literary cabal, the *philosophes* who spread abstract Jacobin ideology, was responsible for the assault on church property and the subversion of the Gallican Church. Their actions were a "*cause*, for the general fury with which all the landed property of ecclesiastical corporations has been attacked..."<sup>1261</sup> Later in *Reflections* Burke asks hypothetically, "Who but the most desperate adventures in philosophy and finance could at all have thought of destroying the settled revenue of the state, the sole security for the public credit, in the hope of rebuilding it with the materials of confiscated property?"<sup>1262</sup> Burke feared that financial speculators had commanded undue influence over French political affairs, and had granted legitimacy to the seizure of church land.

This economic phenomenon entailed serious political risks. For Burke, while the landed interest was committed to promoting the common good, the monied interest was devoted to risky financial opportunities for individual gain. Its disposition was characterized by an undisciplined eagerness, rather than by the steadiness and moderation of the landed aristocrat. The monied interest "is in its nature more ready for any adventure; and its possessors more disposed to new enterprizes of any kind," Burke writes.<sup>1263</sup> In his judgment,

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<sup>1260</sup> See Bourke, *Empire & Revolution*, 728-29.

<sup>1261</sup> Langford, *Writings and Speeches*, VIII, 162.

<sup>1262</sup> Langford, *Writings and Speeches*, VIII, 281.

<sup>1263</sup> Langford, *Writings and Speeches*, VIII, 159.

the monied interest had no concrete stake in the community, such as land, and therefore dismissed any consideration of promoting its political well-being.

The monied interest's devotion to speculative enterprise required the defeat of two powers standing in its path. The monied interest "struck at the nobility through the crown and the church."<sup>1264</sup> More so, it "attacked them particularly on the side on which they thought them the most vulnerable, that is, the possessions of the church, which, through the patronage of the crown, generally devolved upon the nobility."<sup>1265</sup> While membership in the landed nobility required a pedigree dating back generations, the monied interest did not hail from a long line of distinguished ancestors. It was, rather, a novel group of pretentious profit-seekers. Its members came from "unendowed pedigrees and naked titles of several among the nobility."<sup>1266</sup> Thus the "pride of the wealthy men, not noble or newly noble, encreased with its cause."<sup>1267</sup> In short, the appearance of the monied interest posed a menace to the landed interest that had governed France for centuries. Because Burke endorsed the idea that the landed interest should command disproportionate influence in ruling a country, the emergence of monied men, tied to no particular community and unconcerned with furthering its general interests, posed a blunt challenge to Burke's beliefs about the proper qualifications to lead.

The chief way the monied interest commanded a noxious influence over the political affairs of revolutionary France was its heavy investment in the paper money currency called *assignats*, originally conceived as a type of bond. France was not unfamiliar with the perils of paper money. Earlier in the eighteenth century, John Law, the Scottish-born Controller

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<sup>1264</sup> Langford, *Writings and Speeches*, VIII, 159.

<sup>1265</sup> Langford, *Writings and Speeches*, VIII, 159.

<sup>1266</sup> Langford, *Writings and Speeches*, VIII, 159.

<sup>1267</sup> Langford, *Writings and Speeches*, VIII, 159.

General of Finances in France, had dramatically accelerated the issuance of bank notes in order to steady the country's finances. His scheme failed, and it eventually led to the bursting of the Mississippi Bubble.<sup>1268</sup> In the case of the French Revolution, the lingering sentiments about the perils of uninhibited paper money had been tempered in the Constituent Assembly. Deputies reasoned that while Law's system was based on gold mines that did not exist, *assignats* were backed by actual property.<sup>1269</sup> Subsequently, the Assembly authorized the sale of *assignats* to creditors in order to pay off the national debt, with the hope that the future sale of church estates would provide financial cover to the government's debtor obligations.<sup>1270</sup>

A brief chronology is necessary to illustrate the French revolutionaries' relentless commitment to *assignats*. First, on 19 December 1789, the Constituent Assembly proposed to auction off the property, valued at 400 million francs, and issue the *assignats* in the domination of 1000 livres at five percent interest in order to reimburse the debt of the Caisse d'Escompte, the quasi-bank of France. Although this plan was not implemented, the principle of issuing *assignats* became entrenched in the consciousness of deputies of the Assembly. The body then decided on 17 March 1790 to sell and transfer over properties worth 400 million to the municipality of Paris. On 17 April 1790, the state voted to issue *assignats* at three percent interest, and the official sale started on 14 May 1790. By early September the 400 million had been used up; there was no additional revenue from taxes at

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<sup>1268</sup> See Aftalion, *French Revolution*, 18-19.

<sup>1269</sup> See Aftalion, *French Revolution*, 73.

<sup>1270</sup> See the following sources for information on *assignats* during the French Revolution: S.E. Harris, *The Assignats* (Cambridge, MA: Harvard University Press, 1930); Levasseur, "Assignats," 179-202; Aftalion, *French Revolution*, 68-85; and Elise S. Brezis and Francois H. Crouzet, "The Role of the Assignats during the French Revolution: An Evil or A Rescuer?" *Journal of European Economic History* 24 (1995): 7-40.

that point. On 29 September 1790, the Constituent Assembly dug in deeper, granting an additional amount of 800 million worth of *assignats*, this time with no interest. Following a clarifying decree on 13 December, *assignats* became official legal tender in France. All of these actions besides the final decree had occurred by the time Burke made his final edits to *Reflections* in October 1790,<sup>1271</sup> and before *Reflections* was published on 1 November 1790. *Assignats* continued to be issued after its publication. They were abolished in February 1796.

The continual injection of *assignats* into France's economy bred ravenous socioeconomic consequences, such as the depreciation of the currency and inflation. After the initial sale of the paper money, its value dropped by five percent. By September 1791, when the Legislative Assembly took over for the Constituent Assembly, the *assignat* had declined between eighteen and twenty percent.<sup>1272</sup> In the meantime, gold and silver became scarce. When the National Convention assumed power in September 1792, the currency had diminished by forty-four percent.<sup>1273</sup> By the end of the Convention three years later, the *assignat* had plummeted ninety-eight percent.<sup>1274</sup> As Elise S. Brezis and Francois H. Crouzet write, "...[T]here is no doubt that the huge increase in *assignats* from 1792 onward is correlated with the inflation starting then."<sup>1275</sup> This steep rise in inflation benefited an enlarged debtor class, delighted by the fact that they were repaying their financial obligations in depreciated paper money. In addition, the printing of *assignats* provided significant assistance to the French government in financing its wars against Austria and Prussia starting

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<sup>1271</sup> See Lock, *Edmund Burke*, vol. II, 283-84. Burke did not correct some out-of-date information before *Reflections* was sent off to be published.

<sup>1272</sup> Levasseur, "Assignats," 185.

<sup>1273</sup> Levasseur, "Assignats," 187.

<sup>1274</sup> Levasseur, "Assignats," 189.

<sup>1275</sup> Brezis, "Role of the Assignats," 27.

in April 1792.<sup>1276</sup> At the time the *assignats* were eliminated in early 1796, they were barely worth more than the paper they were printed on.<sup>1277</sup> In general, the real value of *assignats* swung up and down due to the instability of the French Revolution.

Other consequences ensued. The price of goods, including grain, spiked.<sup>1278</sup> Food shortages enraged the *sans-culottes*, the radical commoners of the French Revolution. The National Convention attempted to alleviate these difficulties in May 1793 through policies inspired by the doctrine of *dirigisme*, the state control of economic resources.<sup>1279</sup> It mandated a maximum price ceiling, and actually decreed the punishment of death for merchants found selling goods at higher prices than those stipulated by law.<sup>1280</sup> The initial regulations, first impacting grain and then other commodities, failed horribly. The price ceiling inhibited clean trading practices, promoted fraud, and created a shortage of goods.<sup>1281</sup> Industry and manufactures suffered due to the inability of producers to reap profits under normal supply and demand laws.<sup>1282</sup> Farmers did not want to sell their crops at state-mandated prices. This hoarding led the French government to start seizing private goods to help supply its army.<sup>1283</sup> The price ceiling mandates were repealed in December 1794.<sup>1284</sup>

Burke's response to the *assignat*-infused policies of the Jacobin government was resolute. In *Reflections* he exhibits a sharp opposition to Jacobins' plan to melt the sturdy

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<sup>1276</sup> Brezis, "Role of the Assignats," 16.

<sup>1277</sup> Aftalion, *French Revolution*, 173.

<sup>1278</sup> Note that on 14 July 1789, the day of the storming of the Bastille, corn and bread prices in Paris attained their peak. Aftalion, *French Revolution*, 42.

<sup>1279</sup> See Chapter 3 to this dissertation.

<sup>1280</sup> Levasseur, "Assignats," 190.

<sup>1281</sup> Levasseur, "Assignats," 190.

<sup>1282</sup> Brezis, "Role of the Assignats," 34.

<sup>1283</sup> Brezis, "Role of the Assignats," 17.

<sup>1284</sup> Note, again, that many of these economic developments occurred after Burke wrote *Reflections*.

edifice of Church property into commercial instruments for the ostensible purpose of financial solvency. He first scorns the initial idea to sell church lands directly because, from his perspective, doing so would diminish their worth. To auction off ecclesiastical and royal property through market exchange was “obviously to defeat the profits proposed by the confiscation, by depreciating the value of those lands, and indeed of all the landed estates throughout France.”<sup>1285</sup> Burke then summarizes the Constituent Assembly’s multiple decisions to sell *assignats*, his description animated by disgust and disapproval. The Assembly “proposed to take stock in exchange for the church lands,” Burke writes critically.<sup>1286</sup> Consequently, once municipalities heard of the plan to transfer property to the “stock-holders”<sup>1287</sup> of Paris to be sold off, they pleaded for paper currency with the intention of reviving “their perishing industry.”<sup>1288</sup> The Assembly’s decision to sell more *assignats* at three percent interest confirmed France’s idolatry of paper money.<sup>1289</sup>

The result of this dash for paper money was the transformation of the Church from an institution of piety into a sword for material gain. “The spoil of the church was now become the only resource of all their operations in finance; the vital principle of all their politics; the sole security for the existence of their power,” Burke avers.<sup>1290</sup> Ironically, even though the Constituent Assembly expropriated church lands for the seeming aim of advancing the interests of the state, the Assembly, Burke observes, became wholly reliant on the church as its financial lifeblood.

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<sup>1285</sup> Langford, *Writings and Speeches*, VIII, 170.

<sup>1286</sup> Langford, *Writings and Speeches*, VIII, 170.

<sup>1287</sup> Langford, *Writings and Speeches*, VIII, 171.

<sup>1288</sup> Langford, *Writings and Speeches*, VIII, 171.

<sup>1289</sup> Langford, *Writings and Speeches*, VIII, 171.

<sup>1290</sup> Langford, *Writings and Speeches*, VIII, 171.

Here, then, is an example in which Burke's firm commitment to market economies did not translate into supporting the conversion of church property into a conduit of exchange. One might claim that this position exposes Burke's commitment to market liberty to rest on a far wobblier foundation than that of classical liberals and economic libertarians. Since Burke opposed creating markets out of ecclesiastical property, does not this indicate an acute skepticism of the salutary effects of commercial enterprise?

There is, nevertheless, a logic behind Burke's reasoning that retains consistency with his embrace of market liberalism. For Burke, there should be a vibrant market of free domestic provisions and a growing market for freer commercial intercourse amongst nations. Yet the state confiscation of church land, even if it did lead to the creation of new markets, violated the right to private property authorized by prescription and rooted in the law of nature. The ethic of government restraint that Burke advocated in *Thoughts and Details* was defied brazenly by the Constituent Assembly's decision to confiscate church land holdings.

More so, Burke suggests that the selling off of church property through the circulation of paper money *undermined* market forces by weakening the value of the property. As mentioned, Burke highlights that bringing the landed estates to the market was to "defeat the profits proposed by the confiscation" by "depreciating the value of those lands and, indeed, of all the landed estates throughout France."<sup>1291</sup> Confiscating property as financial security against the national debt crippled efforts to optimize the value of land.

In *Reflections*, furthermore, Burke specifically lambastes Jacobins' blind faith in the power of *assignats* to remedy France's economic woes. First he condemns them for their

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<sup>1291</sup> Langford, *Writings and Speeches*, VIII, 170.

“fanatical confidence in the omnipotence of church plunder,”<sup>1292</sup> reiterating his unflinching opposition to the seizure of Gallican Church properties.<sup>1293</sup> Then Burke writes, with a zeal that leaps off the page:

Is there a debt which presses them—Issue *assignats*.—Are compensations to be made, or a maintenance decreed to those whom they have robbed of their freehold in their office, or expelled from their profession—*Assignats*. Is a fleet to be fitted out—*Assignats*. If sixteen millions sterling of these *assignats*, forced on the people, leave the wants of the state as urgent as ever—issue, says one, thirty millions sterling of *assignats*—says another, issue fourscore millions more of *assignats*.<sup>1294</sup>

Although hyperinflation had not yet occurred, Burke noticed the inflationary trajectory of the paper money: “Are the old *assignats* depreciated at market? What is the remedy? Issue new *assignats*.”<sup>1295</sup>

Burke’s mocking repetition of “*assignats*” makes clear his antipathy over Jacobins’ consecration of paper money as the new saving grace of their political economy. The revolutionaries are all “professors of *assignats*” and “philosophic *financiers*,”<sup>1296</sup> intent on grasping the little notes in their hands and blindly throwing them in the air in the hope they solve France’s financial difficulties. Further, the magnetic pull of paper money laid bare Jacobins’ lack of self-control and imprudence, its zealotry and short-term thinking. Indeed, this particular section in *Reflections* is perhaps the only area in the text in which he repeats a

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<sup>1292</sup> Langford, *Writings and Speeches*, VIII, 280.

<sup>1293</sup> On this note, Burke considers, for the sake of argument, that even if the initial idea to sell the lands was sound, the Constituent Assembly still failed to accurately assess the value of the lands in a transparent and candid manner. The legislative body and the Revolution’s financial managers were also not prepared for the rapid fluctuation of the properties’ value in response to political vicissitudes. See Langford, *Writings and Speeches*, VIII, 282-83, including 282n1.

<sup>1294</sup> Langford, *Writings and Speeches*, VIII, 280.

<sup>1295</sup> Langford, *Writings and Speeches*, VIII, 280.

<sup>1296</sup> Langford, *Writings and Speeches*, VIII, 280.



single phrase so many times in so few words in a paragraph, and bathed in so thick a coating of derision and disgust at that.

Burke's foresight about the inflationary effects of the *assignats* was accurate but not original. French members of the Assembly, not to mention Necker, made similar observations at the time about how the unchecked spread of paper money would depreciate its value, hurt creditors, and increase the price of goods.<sup>1297</sup> The abbé Maury, Jacque Antoine Marie de Cazalès, and Boisgelin, Archbishop of Aix believed that the *assignats* "were necessarily going to depreciate, thus occasioning a rise in price of basic commodities, the ruin of the state's creditors and the impoverishment of the workers," Francis Aftalion writes.<sup>1298</sup> The danger of paper money was evident not only to conservative members of the Assembly but also to the Frenchman Condorcet,<sup>1299</sup> whose rationalist philosophy militated against Burke's thought.

Nonetheless, Burke's comments about *assignats* divulge his belief that a strong currency, protected from the menace of devaluation, is essential for the strength of an economy. In addition to the comments above, Burke remarks critically that after the Constituent Assembly starting issuing paper notes earlier in 1790, "This paper also felt an almost immediate depreciation of five per cent, which in little time came to about seven."<sup>1300</sup> In *Reflections*, Burke then extols the wisdom of Jacques Necker, the director of the treasury under Louis XVI,<sup>1301</sup> for drawing attention to the importance of metal in economies. Necker

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<sup>1297</sup> See Aftalion, *French Revolution*, 74-79.

<sup>1298</sup> Aftalion, *French Revolution*, 74.

<sup>1299</sup> Aftalion, *French Revolution*, 75.

<sup>1300</sup> Langford, *Writings and Speeches*, VIII, 286.

<sup>1301</sup> Burke had previously praised Necker's efforts over a decade prior for managing the French budget without imposing new taxing schemes. See Burke to the Duke of Portland, 16 October 1779, in *The Correspondence of Edmund Burke*, vol. IV, ed. John A. Woods (Cambridge: Cambridge University Press, 1963), 154. Burke referenced

believed that France “could not live upon *assignats* alone; that some real silver was necessary...”<sup>1302</sup>

This was the case “particularly for the satisfaction of those, who having iron in their hands, were not likely to distinguish themselves for patience, when they should perceive that whilst an increase of pay was held out to them in real money, it was again to be fraudulently drawn back by depreciated paper.”<sup>1303</sup> Burke criticizes Jacobins for asserting that there was “no difference in value between metallic money and their *assignats*.”<sup>1304</sup> Jacobins, their mad dash to sell off church land compromising their judgment, “took their fictions for currencies.”<sup>1305</sup> In sum, an economy stands on unsteady ground if not augmented by the backbone of metal.

There is a curious harmony between Burke’s appraisal about metallic money and his defense of the landed aristocracy. In his view, they both provided the virtues of stability and predictability in human affairs—in markets in the case of metal, and in political activities in the case of propertied men. Both were resistant to the winds of radical movements, furnishing an ingredient of constancy amidst change. This role performed by metallic money and the landed nobility reflects Burke’s broader recognition, emanating throughout many of his writings, of the relation between stability and change, preservation and reform. For Burke, there needs to be a careful balancing between the two principles. Metal provided the

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Necker frequently in *Reflections*, and used Necker’s book *De l’Administration des Finances de la France* as empirical evidence to demonstrate the growth of wealth in France. See Langford, *Writings and Speeches*, VIII, 178-79.

<sup>1302</sup> Langford, *Writings and Speeches*, VIII, 286.

<sup>1303</sup> Langford, *Writings and Speeches*, VIII, 286.

<sup>1304</sup> Langford, *Writings and Speeches*, VIII, 287.

<sup>1305</sup> Langford, *Writings and Speeches*, VIII, 285.

former in exchange economies. It was the stabilizing source of financial prosperity, and tempered the inflationary excesses of paper money.

Overall, Burke's condemnation of the currency illustrates his critical judgment about the marriage between the monied interest and the profusion of *assignats* in the French economy, which he believed paved the way toward paper-money despotism. For Burke, paper-money despotism did not simply devalue the currency and increase government control of the economy. It also represented an escape from the French's immediate obligations to address its domestic concerns by blindly believing in the magic of paper money to solve all of its problems. The monied interest contributed heavily to this paper-money despotism by fueling the expansion of public credit for self-interested material gain. As Burke asks in *Reflections*, "Who but the most desperate adventurers in philosophy and finance could at all have thought of destroying the settled revenue of the state, the sole security for the public credit, in the hope of rebuilding it with the materials of confiscated property?"<sup>1306</sup>

Burke drops hints that the plunder of church land and selling of *assignats* was also bad economics. Referring to the mysterious alchemical substance that could transform ordinary metals into gold or silver, Burke writes that the "dream of the philosopher's stone induces dupes...to neglect all rational means of improving their fortunes."<sup>1307</sup> His reference to the neglect of "rational means" insinuates a belief that the Jacobin takeover of private property and the unhinged flow of paper money was detrimental to building sustainable wealth. Additionally, Burke writes, "Even those, whose natural good sense and knowledge of

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<sup>1306</sup> Langford, *Writings and Speeches*, VIII, 281.

<sup>1307</sup> Langford, *Writings and Speeches*, VIII, 280.

commerce, not obliterated by philosophy,<sup>1308</sup> offer decisive arguments against this delusion [of *assignats*]” still propose the further issuance of the currency.<sup>1309</sup> The significance here lies in Burke’s contrast between those who possess economic wisdom about the dangers of paper-money despotism—those with “natural good sense” and “knowledge of commerce”—with the belief that paper money should be issued with no restraint. Furthermore, in using the phrases “rational means” and “natural good sense” in these quotations, Burke associates the opposition of paper-money despotism with rationality and nature. This connection shows that Burke at times in *Reflections* employs the language of the Enlightenment, and not of tradition or utility, to buttress his arguments in favor of commercial prosperity.

Therefore, Burke understood his critique of Jacobin economic policy to be consistent with his beliefs about the virtues of market-based economies. In *Reflections* he notes that the Constituent Assembly’s attempt to expropriate ecclesiastical land and sell it off exhibited a “defiance of oeconomical principles...”<sup>1310</sup> The radicalism of the French state threatened the steady growth of industry and private property. “Causes thus powerful to acquire and to retain, cannot be found in discouraged industry, insecure property, and a positively destructive government,” Burke states.<sup>1311</sup>

In *Second Letter on a Regicide Peace*, published in 1796, Burke writes, in referring to France, “In that country entirely to cut off a branch of commerce, to extinguish a manufacture, to destroy the circulation of money, to violate credit, to suspend the course of

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<sup>1308</sup> The “philosophy” Burke refers to here is a pejorative reference to the abstract philosophy of Jacobinism.

<sup>1309</sup> Langford, *Writings and Speeches*, VIII, 280.

<sup>1310</sup> Langford, *Writings and Speeches*, VIII, 281.

<sup>1311</sup> Langford, *Writings and Speeches*, VIII, 179.

agriculture, even to burn a city, or lay waste a province of their own, does not cost them a moment's anxiety."<sup>1312</sup> It is not a coincidence that Burke draws attention to these *economic* ramifications of the French Revolution; the designs of revolutionaries to control its economy, as Burke says above, spearheaded the destruction of commerce, manufacturing, money, credit, and agriculture. In addition, Burke writes, revolutionaries "seize upon the fruit of the labour; they seize the labourer himself."<sup>1313</sup> The Jacobin delight in controlling economic resources portended the crushing of the individual worker. "The state is all in all," Burke avows.<sup>1314</sup> The vibrant circulation of goods, and the economic opportunity to reap what one sows, is stymied by the clenched fist of the French state.

In essence, Burke's broader concern in *Reflections* is that the scheme to expropriate church property and issue *assignats* was a gross display of Jacobin *social engineering*: uproot church property, issue paper money, try to pay off some of the national debt, repeat. This process required a fundamental remolding of French society, overturning its settled traditions and controlling the wealth of corporate bodies and farmers in the name of advancing the common good. Yet for Burke, the social engineer's impulse to seize private property crippled progress. "Never did a state, in any case, enrich itself by the confiscations of the citizens," Burke insists.<sup>1315</sup> This is why "injustice is not always good policy, nor rapine the high road to riches."<sup>1316</sup> Taking from one and giving to another undermines public prosperity. Furthermore, the social engineer's radical desire to enlarge public credit fomented a militaristic impulse, as evidenced by the French Revolutionary Wars.

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<sup>1312</sup> Langford, *Writings and Speeches*, IX, 288.

<sup>1313</sup> Langford, *Writings and Speeches*, IX, 288-89.

<sup>1314</sup> Langford, *Writings and Speeches*, IX, 288.

<sup>1315</sup> Langford, *Writings and Speeches*, VIII, 284.

<sup>1316</sup> Langford, *Writings and Speeches*, VIII, 284.

In Burke's judgment, then, the French Revolution triggered a revolution in the nature of *wealth*. As a result of the French government's confiscatory schemes, the propertied aristocracy's grip on landed wealth was being loosened by the menace of new monied wealth. The calmness and stability of movable property was being swarmed by the undisciplined energies of capitalists and speculators. Hereditary family and privilege was being thrust aside by the new power of monied investments.

This revolution in wealth led to a revolution in authority. The authority of the landed nobility, infused with wisdom, steadiness, and constancy, was overturned by the new authority of the monied interest, governed by zealotry, self-interest, and radicalism. Burke's preference for the landed interest to predominate in the legislature was defeated by the new political rulers of money and low distinction. The lodestars of French society were no longer virtue and chivalry but enthusiasm and ambition.

One must cast a critical eye at Burke's portrayal of the two classes in *Reflections*, however, as its *ad hominem* style fails to paint a more nuanced picture of the relations between the landed nobility and new monied class. On the eve of the Revolution, it was not uncommon for nobles to engage in business and financial activities, nor was it unusual for merchants to be considered nobles.<sup>1317</sup> Eighty-seven percent of deputies in the Third Estate of the Estates General represented wealth gained from traditional sources of property, or what George V. Taylor calls the "propriety"<sup>1318</sup> economy—stable investments in land, venal office, and annuities. Only thirteen percent were bankers, merchants, and manufacturers, and over half of this group lived in rural or underdeveloped areas.<sup>1319</sup>

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<sup>1317</sup> George V. Taylor, "Noncapitalist Wealth and the Origins of the French Revolution," *The American Historical Review* 72 (1967): 469-96.

<sup>1318</sup> Taylor, "Noncapitalist Wealth," 471.

<sup>1319</sup> Taylor, "Noncapitalist Wealth," 489n78.

Moreover, it was not unusual for members of the first and second estates of the Estates General to act on their capitalistic impulses.<sup>1320</sup> “[T]here were nobles who were capitalists. There were merchants who were nobles,” Taylor writes.<sup>1321</sup> Burke never expressly creates a strict, impenetrable division between the two groups in *Reflections*; indeed, as demonstrated, he attempts to argue that Jacobinism *and* the monied interest jeopardized market economies, and he refers to the aforementioned “landed capitalist” in discussing how profits from rent should be invested in the economy.<sup>1322</sup> Nevertheless, the level of his anti-Jacobin intensity in the writing can lead readers to believe that Burke’s purpose is to roundly denounce the new bourgeoisie and recover the sole primacy of the aristocratic nobility. For creating that impression, Burke should be held accountable.

#### e. The Relation Between the Monied Interest and the Landed Interest

Burke’s critique of *assignats* was part of his broader integrated vision regarding the proper relation between the monied and commercial interests and the landed interest in civil society. Recall the aforementioned connection Burke intimates in *Reflections* between metallic money and the virtue of stability: the former established the condition of constancy that moderated the vibrations of paper currency.

This analogy can be stretched further to distinguish between the qualities spread by the combination of the monied interest and the literary cabal, on the one hand, and the landed interest, on the other. The first two groups evinced the faculties of “ability,” “innovation,” “energy,” and “enthusiasm.” Burke casts these terms in a largely pejorative

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<sup>1320</sup> Taylor, “Noncapitalist Wealth,” 489.

<sup>1321</sup> Taylor, “Noncapitalist Wealth,” 489.

<sup>1322</sup> Langford, *Writings and Speeches*, VIII, 209.

manner in *Reflections*: they symbolized the groups' radical efforts to use their talents to engage in the volatile enterprise of philosophical and financial speculation—all in order to intensify its fanatical pursuit for power.<sup>1323</sup> "...[A]bility is a vigorous and active principle, and as property is sluggish, inert, and timid, it never can be safe from the invasions of ability, unless it be, out of all proportion, predominant in the representation," Burke writes.<sup>1324</sup> The passions of men with natural ability—speculative philosophers and financial investors—threaten the quietude of the landed nobility unless the nobility are overrepresented in the legislature.

Remember that, for Burke, the members of the landed interest were not innovators but men of hereditary distinction and status—including members of the Church—faithful to advancing the common good. The House of Peers, Burke writes in *Reflections*, is "formed upon" the "principle" that the hereditary aristocracy perpetuates not only property but "society itself."<sup>1325</sup> The ultimate threat posed by men of ability and enthusiasm was when they replaced this landed interest in the national legislature with themselves, and when they formed alliances with similar men of innovation in and outside government.

Burke's subtle use of metaphor in his discussion in *Reflections* of John Law's role in fostering the reckless Mississippi bubbles illustrates this point. Jacobin revolutionaries could not "bear to hear the sands of his Mississippi compared with the rock of the church, on which they build their system."<sup>1326</sup> Burke is calling attention to the irony of the Jacobins unwittingly using the "rock" of the church, a fortress of stability, while denying any similarity

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<sup>1323</sup> For other discussions of this issue, see Pocock, *Virtue, Commerce, and History*, 193–212; and Tom Furniss, "Burke, Paine, and the Language of Assignats," *The Yearbook of English Studies* 19 (1989): 54–70.

<sup>1324</sup> Langford, *Writings and Speeches*, VIII, 102.

<sup>1325</sup> Langford, *Writings and Speeches*, VIII, 102.

<sup>1326</sup> Langford, *Writings and Speeches*, VIII, 287.



to the fluxes of instability perpetrated by Law's financial schemes—even though they were disseminating paper money feverishly, as had Law. Burke continues that Jacobins should restrain their passion for innovation until they demonstrate “what piece of solid ground there is for their assignats.”<sup>1327</sup> He hints that *assignats* did not stand on any solid ground at all, unlike, literally and figuratively, landed property.

Given this appraisal of the landed interest in Burke's theory of political representation, Burke does not reject the role of ability in a polity. He says a state should represent “ability”<sup>1328</sup> as well as property in *Reflections*, just not in the same proportion as the latter. Six years later, in *Letter to a Noble Lord*, Burke famously denounced the Duke of Bedford for being a lazy hereditary aristocrat while arguing that he himself employed his natural talents and hard work on behalf of the nation.

Yet Burke's larger point in *Reflections*, and throughout the entirety of his reflections on political economy, is that land should be the foundation of enterprise and not the other way around. This, then, is the heart of Burke's conception of the relation between moveable property and immovable property: while both are essential to the flourishing of a commonwealth, the gifts of commerce and finance will not endure without the chastening effect of land. The former activities are dedicated to short-term thinking, particularly when they are corrupted by radical political movements, as evidenced by the revolutionary French government's frenzied issuance of *assignats*. In contrast, land is a long-lasting institution that serves as the bulwark of a commonwealth. The preservation of private property protects men from the designs of social engineers.

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<sup>1327</sup> Langford, *Writings and Speeches*, VIII, 287.

<sup>1328</sup> Langford, *Writings and Speeches*, VIII, 102.

Burke's belief about the stability of land brings alive an essential part of his argument about the financial activities of the French Revolution. He frames his position by contrasting France with England. What enabled England to flourish commercially without surrendering to an indomitable monied interest, as France was succumbing to during the Revolution, was that land never veered too far away from commercial and financial activities. Recall Burke's point in *Third Letter on a Regicide Peace*: England's landed interest did not form a "separate body, as in other countries," but instead had been in "close connexion and union" with the other economic interests in the country.<sup>1329</sup> Hence it had been "spontaneously allowed to lead and direct, and moderate all the rest."<sup>1330</sup> Once again, Burke emphasizes, landed property is the foundation of commercial and financial prosperity, not the other way around.

Burke had enunciated a similar point before the outbreak of the French Revolution. In a speech in February 1787 assailing the Anglo-French Commercial Treaty of 1786,<sup>1331</sup> Burke posited that in Britain "the Landed Interest, the Monied Interest, and the Commercial Interest formed one great partnership, making up through the medium of discount and interest one great national capital..."<sup>1332</sup> The smooth cooperation among the three interests produced glittering economic prosperity around the globe: the power of English commerce "tyrannized over all the markets of the world,"<sup>1333</sup> as Burke accentuated. In addition, the strength of English credit and insurance encouraged commercial enterprise. "Discount gave facility and insurance gave security to enterprize," he said.<sup>1334</sup>

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<sup>1329</sup> Langford, *Writings and Speeches*, IX, 374.

<sup>1330</sup> Langford, *Writings and Speeches*, IX, 374-75.

<sup>1331</sup> Burke opposed the treaty on political, not commercial, grounds. See Langford, *Writings and Speeches*, IV, 235-41.

<sup>1332</sup> Langford, *Writings and Speeches*, IV, 237n2.

<sup>1333</sup> Langford, *Writings and Speeches*, IV, 237n2.

<sup>1334</sup> Langford, *Writings and Speeches*, IV, 237n2.

In the case of the French Revolution, however, the radical victory of the monied interest over the landed interest represented the unhinging of commercial and financial activities from the bolts of land. The confiscation of church land and selling of *assignats* struck a blow to the harmony that had mediated, if imperfectly, France's economy under the ancien régime. Undisciplined enthusiasm had triumphed over a careful blend of energy and order.

This dissertation reiterates that Burke's conclusion that land is the pillar of monied activity should not suggest that he was skeptical of commerce and finance in themselves. In light of customary interpretations of Burke's political economy that emphasize his support for landed property,<sup>1335</sup> it must be underlined that Burke was a strong advocate of commercial and financial activities throughout his public career—if pursued in an environment governed by sound economic principles. The issue for Burke was *not* that commerce and finance necessarily corroded the foundations of traditional morality, but that the *corruption* of commerce and finance, through the social engineering designs of the monied interest and literary cabal, subverted morality, bruised markets, and endangered the preservation of constitutional liberty.

This insight clarifies another essential point about Burke's apprehension of the relationship between the landed interest and the monied interest: the former was a preserver of *liberty* as well as stability. The French nobility in the ancien régime, he insists, “breathe the spirit of liberty as warmly, and they recommend reformation as strongly, as any other order.”<sup>1336</sup> Reforming the conditions of a country's economic climate requires maintaining

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<sup>1335</sup> See Canavan, *Political Economy of Edmund Burke*; Fasel, ““The Soul That Animated””; and Kirk, *Conservative Mind*.

<sup>1336</sup> Langford, *Writings and Speeches*, VIII, 184.

the anchor that allows commercial and financial activities to blossom. Changing the entire nature and character of a country through total destruction, as Jacobins desired to do, was one thing. But, Burke continues,

At once to preserve and to reform is quite another thing. When the useful parts of an old establishment are kept, and what is superadded is to be fitted to what is retained, a vigorous mind, steady, persevering attention, various powers of comparison and combination, and the resources of an understanding fruitful in expedients are to be exercised; they are to be exercised in a continued conflict with the combined force of opposite vices, with the obstinacy that rejects all improvement and the levity that is fatigued and disgusted with everything of which it is in possession.<sup>1337</sup>

Preservation and reform require “old establishments” to moderate the excesses of those who seek immediate transformation. Steadiness and wisdom can counteract the impassioned impulses of uninhibited reformers. Just as individuals exercise “circumspection and caution”<sup>1338</sup> when changing inanimate matter, Burke continues, they must do so especially when the object of change is a real human being.

Hence the stubborn stability of the landed nobility actually *aids* enterprising reformers in the pursuit of new projects. “...I have never yet seen any plan which has not been mended by the observations of those who were much inferior in understanding to the person who took the lead in the business,”<sup>1339</sup> Burke writes in discussing the relationship between the landed aristocrat—who, in his view in this case, was ignorant of the particular business enterprise but replete with wisdom, and the innovator, who was knowledgeable about his industry but lacked the virtue of moderation. Therefore, “By a slow but well-sustained progress, the effect of each step is watched...”<sup>1340</sup> This is because the “good or ill

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<sup>1337</sup> Langford, *Writings and Speeches*, VIII, 216.

<sup>1338</sup> Langford, *Writings and Speeches*, VIII, 217.

<sup>1339</sup> Langford, *Writings and Speeches*, VIII, 217.

<sup>1340</sup> Langford, *Writings and Speeches*, VIII, 217.

success of the first, gives light to us in the second, and so, from light to light, we are conducted through the whole series.”<sup>1341</sup> Moderate resistance to innovative schemes checks reformers to ensure those schemes do not threaten social order.

In *Reflections*, Burke conveys that this convergence between the landed aristocracy and enterprising reformers is the vessel for real progress that endures over time. There is no inherent tension between the two interests: “We see, that the parts of the system do not clash,” he states. “The evils latent in the most promising contrivances are provided for as they arise.”<sup>1342</sup> More so, “We compensate, we reconcile, we balance. We are enabled to unite into a consistent whole the various anomalies and contending principles that are found in the minds and affairs of men.”<sup>1343</sup> The interactions between the landed interest and the commercial interest produce a self-regulating harmony, balancing and correcting one another when one interest tips too far on the side of either undisciplined reform or slothful inertia. Progress can be achieved and sustained when the two interests maintain this equipoise.

Burke’s reflections on this relationship also reinforce his philosophy of gradual reform. Incremental change should occur not just in the realms of political institutions or social associations but also in the commercial economy. Business opportunities should not be denied, but they should be disciplined and softened by the stabilizing presence of the landed aristocracy, particularly when they lurch toward endangering the people’s liberties. This reform occurs over time: the interplay between the two forces reflects the collected reason of landed and commercial activities.

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<sup>1341</sup> Langford, *Writings and Speeches*, VIII, 217.

<sup>1342</sup> Langford, *Writings and Speeches*, VIII, 217.

<sup>1343</sup> Langford, *Writings and Speeches*, VIII, 217.

Burke does not blindly endorse every single aspect of the landed nobility's predominance of political authority. He even admits near the end of *Reflections* that some "usages have been abolished on just grounds"<sup>1344</sup> by the French Revolution. But he qualifies this statement by explaining that "[t]hey who destroy every thing certainly will remove some grievance,"<sup>1345</sup> and by claiming that the perpetuation of such usages would not have harmed the "happiness and prosperity"<sup>1346</sup> of the state. Nevertheless, Burke does not describe specifically these abuses that were overturned. Indeed, he projects the impression that he is merely giving lip service to them here in order to placate anticipated critics of his warm appraisal of the nobility. Burke's entire argument in the letter might have achieved greater persuasive strength if he had outlined the particular privileges he believed were unjust that were banned by the Revolution. He does not do so sufficiently in *Reflections*.

Overall, for Burke, the harmony of the landed interest and commercial interest preserves constitutional order. "...To form a *free government*; that is, to temper together these opposite elements of liberty and restraint in one consistent work, requires much thought, deep reflection, and a sagacious, powerful, and combining mind," Burke writes.<sup>1347</sup> Free government is the distilled outcome of freedom *and* restraint: the freedom to "let go the rein"<sup>1348</sup> and permit people to act without guidance; and restraint in the form of government, which simply requires to "settle the seat of power" and "teach obedience."<sup>1349</sup>

This point is one of Burke's concluding remarks in *Reflections*, and signifies one of his most important insights in the entire writing about the tight compatibility between liberty

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<sup>1344</sup> Langford, *Writings and Speeches*, VIII, 292.

<sup>1345</sup> Langford, *Writings and Speeches*, VIII, 292.

<sup>1346</sup> Langford, *Writings and Speeches*, VIII, 292.

<sup>1347</sup> Langford, *Writings and Speeches*, VIII, 291.

<sup>1348</sup> Langford, *Writings and Speeches*, VIII, 291.

<sup>1349</sup> Langford, *Writings and Speeches*, VIII, 291.

and restraint. Burke does not compartmentalize the two into self-regulating spheres throughout the letter. The conservation of one depends on the aid of the other. Ironically, even though the element of restraint cools the passion of undisciplined freedom, Burke maintains that their self-perpetuating unity occasions a far greater environment for liberty than the license of the French Revolution. The Revolution was the Jacobin triumph “over the principles of a British constitution.”<sup>1350</sup> Under the British Constitution, Burke writes near the end of *Reflections*, “Our people will find employment enough for a truly patriotic, free, and independent spirit, in guarding what they possess from violation.”<sup>1351</sup> Invoking the earth, Burke insists that this constitution stood on something that France’s revolutionary political schemes did not: “firm ground.”<sup>1352</sup>

#### **f. Ethics as a Precondition for Commerce**

Burke’s broadside against the confiscation of church property, the profligate distribution of *assignats*, and the disturbance of the relationship among land, commerce, and finance is part of his wider philosophical argument in *Reflections* about the relationship between politics and economics: the efflorescence of commerce grew out of particular political and ethical preconditions. Economic growth was the product of, not source of, political and constitutional order. This observation is consistent with Burke’s belief that the landed aristocracy was the ballast for the growth of monied and commercial prosperity.

In *Reflections*, Burke provides a strong clue of this interpretation of modern economic growth in his sympathetic discussion of his experience with a monk of the Carthusians, a

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<sup>1350</sup> Langford, *Writings and Speeches*, VIII, 184.

<sup>1351</sup> Langford, *Writings and Speeches*, VIII, 292.

<sup>1352</sup> Langford, *Writings and Speeches*, VIII, 293.

Catholic monastic order. Burke most likely met the monk during Burke's only known visit to France, in 1773. "I have got more information upon a curious and interesting branch of husbandry, in one short conversation with an old Carthusian monk," Burke claims, "than I have derived from all the Bank directors that I have ever conversed with."<sup>1353</sup> In this particular section in *Reflections*, Burke is challenging the belief of Jacobins and the monied interest that the transformation of church lands into instruments of monied exchange would lead to agricultural improvements. Burke rejects such an assumption; for him, fidelity to a transcendent power, rather than financial wizardry, provides strength and support to the cultivator of land for its amelioration. "...I cannot conceive how a man's not believing in God can teach him to cultivate the earth with the least of any additional skill or encouragement," he writes.<sup>1354</sup> This is why "usury is not a tutor of agriculture..."<sup>1355</sup> Man's instinct to tinker and improve is enhanced by faith. Burke bolsters this insight by paraphrasing Cicero in *De Senectute*, who remarked that the farmer sows "for the immortal gods, who willed it that I should not only receive these things from my forebears but should also produce for prosperity."<sup>1356</sup> Faith in God spurs economic improvement from which future generations will benefit.

Burke's argument is far more significant than it first appears, for it challenges one of the most common assertions articulated by both proponents and critics of liberal market economies in modernity: the advent of liberalism and the Enlightenment, with its emphasis on individual economic rights, ennobling of business activity, and the decline of the Catholic Church, set the conditions for the burst of commercial dynamism. With this dynamism came

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<sup>1353</sup> Langford, *Writings and Speeches*, VIII, 239.

<sup>1354</sup> Langford, *Writings and Speeches*, VIII, 239.

<sup>1355</sup> Langford, *Writings and Speeches*, VIII, 239.

<sup>1356</sup> Langford, *Writings and Speeches*, VIII, 239n3.



a rise in the standard of living, the emergence of a new middle class, and the improvement of social mobility. While the pursuit of profit was attached with a heavy stigma in classical and medieval epochs, the dawn of Enlightenment thinking granted sanction to capitalist enterprise.<sup>1357</sup>

Burke's comments on economic development align with an alternative viewpoint put forth by Michael Novak, among other scholars. Novak argues that the Catholic Church in the High Middle Ages furnished the human capital and political and legal conditions necessary for the incremental emergence of material innovation.<sup>1358</sup> The Cistercian monastic order famously exemplified this ethos of entrepreneurialism. According to Novak's perspective, the conditions for modern capitalism demanded principles that preceded modernity, such as love, trust, and respect. In the comments above Burke indicates a stronger level of sympathy for this viewpoint compared with the Enlightenment-centric position.

Burke comes even closer in *Reflections* to anticipating Novak's argument in his famous discussion of the destruction of chivalry triggered by the French Revolution. Although Burke's seemingly romantic portrayal of Marie Antoinette, the queen of France, has attracted wide attention,<sup>1359</sup> his commentary on the relationship between politics and economics in

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<sup>1357</sup> There are variations of this argument. The common thread, however, is the belief that a fundamental shift occurred in Western Europe that inaugurated the emergence of commercial enterprise. See, for example, Mokyr, *Enlightened Economy*; Deidre McCloskey, *Bourgeois Equality: How Ideas, Not Capital or Institutions, Enriched the World* (Chicago: The University of Chicago Press, 2016); and Milton Friedman, *Capitalism and Freedom* (Chicago: The University of Chicago Press, 2002).

<sup>1358</sup> Novak, "How Christianity Created Capitalism." Also see Collins, *Weberian Sociological Theory*, 54

<sup>1359</sup> Burke writes about the queen in *Reflections*: "It is now sixteen or seventeen years 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

this specific section continues to be underexplored.<sup>1360</sup> Burke begins this analysis by presenting his principal argument about chivalry: it was the moral compass behind the growth of European civilization, one that protected honor, rank, and status and furnished fealty, order, and stability. The code of chivalric manners was the glue that tightened social bonds amongst human beings. The clergy and the landed aristocracy were the leaders who acted on this code and set the moral tone for the rest of society. “Nothing is more certain,” Burke writes, “than that our manners, our civilization, and all the good things which are connected with manners, and civilization,” have depended on “the spirit of a gentleman, and the spirit of religion.”<sup>1361</sup> Nobility and religion fostered manners and ethics, which built up and sustained civilizational order.

One odious effect of the French Revolution, Burke believed, was the deracination of this ethic of chivalry and its replacement with the theories of radical *philosophes*. “[T]he age of chivalry is gone.—That of sophisters, oeconomists, and calculators, has succeeded; and

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began to move in,—glittering like the morning-star, full of life, and splendor and joy. Oh! what a revolution! and what an heart must I have, 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, oeconomists, and calculators, has succeeded; and the glory of Europe is extinguished for ever.” Langford, *Writings and Speeches*, VIII, 126-27.

<sup>1360</sup> Pocock’s article “The political economy of Burke’s analysis of the French Revolution,” originally published in 1982 in *The Historical Journal*, was one of the first writings to address this issue rigorously. See Pocock, “Political economy of Burke’s analysis,” in Pocock, *Virtue, Commerce, and History*, 193-212.

<sup>1361</sup> Langford, *Writings and Speeches*, VIII, 130.

the glory of Europe is extinguished for ever,” Burke famously writes.<sup>1362</sup> He then integrates this insight with his beliefs about commercial progress:

If, as I suspect, modern letters owe more than they are always willing to own to ancient manners, so do other interests which we value full as much as they are worth. Even commerce and trade and manufacture, the gods of our economical politicians, are themselves perhaps but creatures, are themselves but effects which, as first causes, we choose to worship. They certainly grew under the same shade in which learning flourished. They, too, may decay with their natural protecting principles. With you, for the present at least, they all threaten to disappear together. Where trade and manufactures are wanting to a people, and the spirit of nobility and religion remains, sentiment supplies, and not always ill supplies, their place; but if commerce and the arts should be lost in an experiment to try how well a state may stand without these old fundamental principles, what sort of a thing must be a nation of gross, stupid, ferocious, and, at the same time, poor and sordid barbarians, destitute of religion, honor, or manly pride, possessing nothing at present, and hoping for nothing hereafter?<sup>1363</sup>

These are some of the most significant comments from Burke that reveal his understanding of the relationship between politics and economics. Just as the flourishing of modern letters, such as those written by *philosophes*, has its origins in ancient manners, so does commercial prosperity. The development of trade and manufacturing is the product of a wider political and cultural environment, one in which manners provided the ethical foundation for the emergence of commerce.

Therefore, this moral virtue furnished by religious authorities and the landed nobility did not simply produce political and social order. It also created economic order by setting the preconditions for exchange economies to progress steadily within the broader growth of civilization. Commercial dynamism was woven carefully into the moral, cultural, and

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<sup>1362</sup> Langford, *Writings and Speeches*, VIII, 127.

<sup>1363</sup> Langford, *Writings and Speeches*, VIII, 130-31.

religious institutions that civilized Europeans throughout the centuries. Adam Smith did not place nearly the same level of emphasis on the primacy of feudal chivalry.

In other words, Burke's point is that even amidst the unfolding of commercial society, the shade of manners prevented the healthy pursuit of profit from collapsing into an uninhibited instrumental avarice that corrupted social relationships. The "naturally protecting principles" of ethics, as Burke conveys above, retained the code of honor throughout the expansion of business and financial enterprise. "This mixed sentiment of opinion and sentiment had its origin in antient chivalry," Burke writes.<sup>1364</sup> Social relationships did not rely on economic transactions as the principal means to strengthen their human ties.

In Burke's judgment, the French Revolution did the opposite: it consecrated transactional and monetary aims above moral affections as the genesis of social relationships. Rather than seeing commerce and trade as the material gifts of European civilization to be handled responsibly, Jacobins treated them as deities in themselves, commanding and dictating relations amongst human beings and between the government and the people. The Gallican Church and the French nobility became under attack. Ethics and manners, that unwritten code of chivalry that had naturally governed man in the medieval and early modern eras, became servile to the muscle of money. Morality was monetized.

One must not confuse Burke's point in this context with his broader reflections on political economy. As has been established, he was a vocal public proponent of commercial exchange and market liberty. More so, although not a professional economist, he plunged himself into studying empirical economic and commercial data throughout his career, as exemplified by his leading role advocating the Free Port Act of 1766. Why, then, did he

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<sup>1364</sup> Langford, *Writings and Speeches*, VIII, 127.

lambaste “oeconomical politicians”<sup>1365</sup> above for exalting commercial activity when he himself stated less than six years later, in *Letter to a Noble Lord*, that being an “oeconomist,” “well understood,” was a “good deal”<sup>1366</sup>? Why did he condemn “sophisters, oeconomists, and calculators”? Wasn’t he a self-professed student of economics?

Burke’s “well understood” qualification, merged with his commentary above about the ethical preconditions for commerce, provides a partial answer to this question. Based on Burke’s own activities in Parliament, economics in his view was a worthy object of study for researching foreign and domestic commercial relations; the geopolitical implications of commerce and foreign policy; and the impact of economic regulations on the flow of provisions, among various topics he confronted in his public career. Grasping the role of commerce in wider political, cultural, and social frameworks was essential to the proper study of economies.

On the other hand, Burke’s castigation of “oeconomists” in *Reflections*, along with sophisters and calculators, was rooted in the belief that they defined human relationships purely by considerations of voluntary transactions, financial arrangements, and *quid pro quo* agreements. Under this flawed thinking, human beings held no deeper goal than to optimize economic exchange. Authority rested simply in the province of voluntary agreement rather than in the wellsprings of traditional morality and religion. Human relations were established by mere transactional consent, and carried no deeper meaning beyond the material whims of the moment.

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<sup>1365</sup> Pocock posits that this phrase may have been referring to contemporary economist and Burke antagonist Josiah Tucker. See Pocock, “Political economy of Burke’s analysis,” in Pocock, *Virtue, Commerce, and History*, 199n17.

<sup>1366</sup> Langford, *Writings and Speeches*, IX, 159.

Therefore, Burke invokes “oeconomists” in *Reflections* to call attention to the swath of Jacobin intellectuals and politicians, members of the monied interest, and all French revolutionaries who embraced the idea that commercial activity preceded chivalric virtue. And although the phrase arrived after him, it is clear Burke thinks this group perceived human beings as *homo economicus*, economic man. For Burke, misguided economists, and all ill-informed individuals, understood men as driven by economic considerations alone, their worth determined by transactional exchange. They saw men not as part of a broader civilizational order, but as atomistic individuals characterized by monetary relations. Under this reasoning, men were not “religious animal[s],”<sup>1367</sup> nor were part of a wider social mosaic. Instead they were separate islands of rationalist utilitarian calculators. Men did not have prior ethical commitments to preserve and reform ancestral institutions but instead delighted in present pleasures. In Burke’s judgment, the French Revolution reduced the essence of human relationships to a swamp of instrumentality. Individuals existed not for any deeper moral purpose but merely to serve the national aims of the state.

The consequence was the fragmentation of the moral and aristocratic foundations that allowed commerce and economic activity to prosper in the first place. As Burke says above, civilization may continue to persist even without optimizing a people’s capacity to trade—as long as “nobility and religion”<sup>1368</sup> remain. In this case, “sentiment,” furnished by the aristocracy and clergy, “supplies” the place of commerce.<sup>1369</sup> But if commerce and the arts perish in the march toward enhancing the power of the state while discarding “these old fundamental principles” of religion and nobility, then civilization will collapse into a horde of

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<sup>1367</sup> Langford, *Writings and Speeches*, VIII, 142.

<sup>1368</sup> Langford, *Writings and Speeches*, VIII, 130.

<sup>1369</sup> Langford, *Writings and Speeches*, VIII, 130.

barbarous individuals, unrefined in taste and manners. Pride and honor will disintegrate. Men will become “ferocious” and “gross”—not to mention “poor.”<sup>1370</sup>

In short, civilization will become uncivilized when the frenzied pursuit toward material gain supersedes moral virtue. The author of commercial flourishing is the code of moral virtue. This is why Burke remarks that the events of 5-6 October 1789—when a French mob besieged the Palace of Versailles and forced the royal family back to Paris<sup>1371</sup> — occasioned “the most important of all revolutions,” meaning “a revolution in sentiments, manners, and moral opinions.”<sup>1372</sup> The French Revolution was “an attempt to destroy within us every principle of respect...”<sup>1373</sup> Consequently, Burke’s eyes are drawn to the deeper philosophical implications of governing a society based on the confiscation of church and aristocratic property; the undisciplined distribution of paper money; and the rejection of the traditional civilizing influences of commercial-based societies. The loss of civilization portends the disappearance of commerce. The study of political economy is inextricably linked with the study of morality, religion, and culture.

Burke’s logic can be understood a different way by using a popular contemporary example. It is often asked which person has contributed more to humanity, Bill Gates or Mother Teresa, Gates symbolizing the merits of competitive capitalism and Mother Teresa the virtues of religion and poverty. Supporters of the former approach will propose that Gates, although he did not intend to, helped humanity immensely by creating technological products that became accessible to members of moderate socioeconomic means. Adherents

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<sup>1370</sup> Langford, *Writings and Speeches*, VIII, 131.

<sup>1371</sup> The mob was initiated on 5 October by French women who began to riot over the scarcity of bread and cost of provisions. It also besieged the National Assembly in addition to the royal family.

<sup>1372</sup> Langford, *Writings and Speeches*, VIII, 131.

<sup>1373</sup> Langford, *Writings and Speeches*, VIII, 131.

to the latter argument insist that Mother Teresa's advocacy on behalf of the poor advanced humanity far more than the suffusion of Gates-facilitated material possessions, such as computers.

Burke's argument in *Reflections* suggests a third approach: the success of Gates was built on particular foundations that allowed entrepreneurs to create and produce goods that could be sold to a wider audience. As discussed, these foundations included religion, as represented by Mother Teresa. But they also encompassed specific cultural attitudes, aristocratic codes of morality, and chivalric customs that protected and strengthened the liberties of individuals to pursue commercial activities. The question consistent with Burke's reasoning, then, is not which particular individual has contributed more to humanity, but what are the broader political and cultural preconditions in the first place that would enable someone like Gates to sell a product that could advance the progress of mankind.

There is an underling implication of Burke's argument that sizzles with passive-aggressive force in *Reflections*: Jacobins, rather than Burke, were the true reactionaries by revolting against the steady forces that propelled the growth of European civilization. The blossoming of modern commercial society was the effect of a firm moral code. The sublimation of man's baser passions created a climate of civility in which trade could flourish. The French Revolution reacted reflexively against this foundation, however, by undermining the very principles that sustained such civilizational progress. The principle of "antient chivalry" had "given its character to modern Europe."<sup>1374</sup> The moment when "antient opinions and rules of life are taken away," Burke writes, is when "we have no

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<sup>1374</sup> Langford, *Writings and Speeches*, VIII, 127.



compass to govern us; nor can we know distinctly to what port to steer.”<sup>1375</sup> Jacobinism destroyed this compass that could help man achieve further progress.

Burke’s belief in *Reflections* that ethics precedes commerce has been noticed by J.G.A. Pocock as well. “Burke is asserting that commerce is dependent upon manners, and not the other way around; a civilized society is the prerequisite of exchange relations, and the latter alone cannot create the former,” he writes.<sup>1376</sup> Pocock contrasts Burke’s views with those of Scottish Enlightenment thinkers, including Adam Smith, David Hume, William Robertson, and John Millar, all of whom, according to Pocock, were more likely to posit that commercial activity helped promote civilized behavior. These thinkers “had all isolated the growth of exchange, production and diversified labour as the motor force which created the growth of manners, culture, and enlightenment.”<sup>1377</sup> Therefore, they had adopted the Enlightenment perspective of political economy, as discussed, that attributed the growth of civilizational order to the advent of market liberalism.

This contrast between Burke and the Scottish school is true, however, only if one confines Burke’s views on political economy to *Reflections*. When Burke’s other writings and speeches are taken into consideration, they complicate the nature of Burke’s understanding of the relationship between commerce and ethics. For example, as discussed, Burke argues in *Thoughts and Details* that voluntary economic exchange can create social harmony among strangers. The incentive of self-interest compels the farmer to provide good working conditions for his laborer. The laborer is motivated to help the farmer produce a profit in

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<sup>1375</sup> Langford, *Writings and Speeches*, VIII, 129.

<sup>1376</sup> Pocock, “Political economy of Burke’s analysis,” in Pocock, *Virtue, Commerce, and History*, 199.

<sup>1377</sup> Pocock, “Political economy of Burke’s analysis,” in Pocock, *Virtue, Commerce, and History*, 199.

order to maintain his employment and earn a wage. The voluntary contract encouraged both parties to act ethically. In essence, commerce is a precondition of manners in *Thoughts and Details*—not the other way around.

In addition, Burke's advocacy on behalf of the Irish trade bills was grounded in the conviction that stronger commercial intercourse between nations strengthens their political relationship. Burke's efforts endorsing the Free Port Act of 1766 was driven by the attempt to unite the trading interests of North American merchants and West Indian traders. Burke claimed that before the legislation, their interests were "jarring and dissonant."<sup>1378</sup> But then, in the process of crafting (and ostensibly implementing) the Act, they were "perfectly reconciled."<sup>1379</sup> Burke wrote that the "Passions and Animosities of the Colonies" were "allayed and composed, and the Foundation laid for a lasting Agreement amongst them."<sup>1380</sup> Burke is emphasizing *not* that chivalry produced economic harmony amongst the British colonies but that commercial reform engendered imperial unity.

Of course, one could take Burke's argument in *Reflections* about the primacy of manners and apply it to the aforementioned examples. A farmer and laborer could not enter into a mutual contract in the first place without recognizing the other party as an individual who merits respect. One nation could not enact free trade agreements with another without both powers arriving at a mutual understanding of the conditions of the commercial regulations, thereby achieving some level of harmony before trade takes place. Yet Burke does not make these points explicitly in many of his writings and speeches on political

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<sup>1378</sup> Langford, *Writings and Speeches*, II, 55.

<sup>1379</sup> Langford, *Writings and Speeches*, II, 55.

<sup>1380</sup> Langford, *Writings and Speeches*, II, 55.

economy outside *Reflections*, and instead stresses the mutually harmonizing effects that result *from* commercial freedom and market liberalism.

Burke's attraction to the economic thinking of classical liberalism is further demonstrated by his passionate advocacy to repeal the laws against forestalling, regrating, and engrossing. The three trading practices were banned under English statutory law, and were ostracized publicly for violating ethical notions of equity. Traditional Aristotelian and Christian conceptions of political economy sharply criticized the activities for raising prices and pursuing profit over morality. But Burke held a firm, impenetrable conviction that the middlemen practices aided in the smooth flow of provisions, in turn contributing to the vibrancy of the economy and the public well-being.

What does all this mean? While Burke's position in *Reflections* is that religion and the nobility laid the seeds for the flourishing of commerce, throughout his entire public career he feels an ineradicable pull from Scottish Enlightenment thinking on the civilizing effects of commerce. This is not to say that liberal economists of the Scottish school exerted an immediate and profound *direct* influence on Burke's economic thought. It is to say that Burke outside *Reflections* adopts similar reasoning as Scottish thinkers about the salutary consequences of liberal trade on civil society. Burke's self-understanding of his intellectual convergence with the school is also evident in the anecdote conveyed in Robert Bisset's biography of Burke, in which Bisset reported that Smith said that Burke thought "exactly"<sup>1381</sup> the same way that Smith had on issues relating to political economy. Burke's economics migrated closer toward liberal orthodoxy than previous interpretations of his economic thought have suggested.

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<sup>1381</sup> Bisset, *Life of Edmund Burke*, 429.

In the end, if one takes into account his entire public career, Burke's position incorporates both accounts. In *Reflections*, the steady eye of chivalry supplied the moral basis for the modern emergence of commercial vitality. But elsewhere in Burke's writings, commercial vitality itself enhanced social relations between market participants and nations. In his writings and speeches, Burke does not clarify to what extent he believes in each idea, and throughout his career lends varying degrees of support for each. He further admits in *Reflections* that it is difficult to determine the degree to which ancient chivalry is responsible for public affluence: "How much of that prosperous state was owing to the spirit of our old manners and opinions is not easy to say; but as such causes cannot be indifferent in their operation, we must presume, that, on the whole, their operation was beneficial."<sup>1382</sup> Nevertheless, he does offer compelling arguments that both ideas—commercial exchange precedes ethics and ethics precedes commerce—are not mutually exclusive.

#### **g. Economic Liberty in *Reflections* and the Menace of Jacobin Equality**

Even though Burke embraces a conception of political economy in *Reflections* that prioritizes ethics over commerce, Burke still asserts in the letter that individuals do indeed have the right to reap what they sow. After rebuking Jacobins for grounding their rights claims in a rationalist foundation of metaphysics, Burke reconstitutes their rights doctrine into a list of concrete liberties:

In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy. If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to do justice, as between their fellows, whether their fellows are in public function or

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<sup>1382</sup> Langford, *Writings and Speeches*, VIII, 129.

in ordinary occupation. They have a right to the fruits of their industry and to the means of making their industry fruitful. They have a right to the acquisitions of their parents, to the nourishment and improvement of their offspring, to instruction in life, and to consolation in death.<sup>1383</sup>

This formulation gives men the right to use what they produce; to engage in industry however they deem appropriate; and to inherit the property of their parents. In other words, Burke is indicating a belief in the right to economic freedom, including the right to build and acquire wealth. In painting a contrast with Jacobins' "false claims" of right, Burke suggests further that these rights are not abstract propositions but assertions of individual liberty *in concreto*.

Burke reinforces his approval of the right to produce and keep one's fruits in *Reflections*: "Whatever each man can separately do, without trespassing upon others, he has a right to do for himself..."<sup>1384</sup> As long as man does not encroach upon the rights of others, he can produce freely. This invocation of commercial liberty veers toward Lockeanism—an ironic convergence considering Burke's condemnation in *Reflections* of Richard Price, who strongly adopted the Lockean perspective in justifying the Glorious Revolution based on the abstract right of the people to rebel against unjust governments. One, then, must make a distinction: Burke was hostile to Price's and Locke's historiography of the Glorious Revolution, but his economic propositions on the right to produce in *Reflections* do converge with Locke's commentary in *Second Treatise*.

This is not to equate Lockeanism with Burkeanism, but to claim that the notion of a right to industry is adopted by both Locke and Burke as an unassailable pillar of their respective economic philosophies. (Locke and Burke overlap in other regards as well, such as

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<sup>1383</sup> Langford, *Writings and Speeches*, VIII, 110.

<sup>1384</sup> Langford, *Writings and Speeches*, VIII, 110.

the duty of civil society to administer justice). Burke and Locke also invoke the same biblical teaching to justify man's industrious production of the earth. As discussed, Burke writes in *Two Letters* that "God has given the Earth to the Children of Man,"<sup>1385</sup> appealing to Psalms 115:16. In *Second Treatise*, Locke, specifically referencing that same verse, writes that God "has given the Earth to the Children of Men, given it to Mankind in common."<sup>1386</sup> The significance of this overlap lies not in mere antiquarian convergence but in the idea that Burke's notion of political economy incorporates elements of secular classical liberalism, further challenging traditionalist interpretations of his thought.

Burke's list of rights above does not stop abruptly at the right to produce, however. He also indicates that members of civil society have the right to the "nourishment and improvement of their offspring"; to "instruction in life"; and to "consolation in death."<sup>1387</sup> These "rights" transcend claims over the personal right to produce. They illustrate Burke's conclusion that human beings do not exist as solitary individuals in civil society but comprise part of a wider social community, one that holds its own attendant rights and responsibilities to its members. Burke is ambiguous whether this community or the parents themselves within it carries the right to nourish and improve their offspring. But the final two rights—instruction in life and consolation in death—suggest important roles for community members, including parents, to educate children and to honor the dead. The real rights of mankind, then, are not simply negative rights that prevent others from obstructing man's individual liberty to produce, but also include the affirmative rights to be instructed properly and to be treated with dignity. These rights can only be brought about in a social association.

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<sup>1385</sup> Langford, *Writings and Speeches*, IX, 515.

<sup>1386</sup> Locke, *Second Treatise*, 286.

<sup>1387</sup> Langford, *Writings and Speeches*, VIII, 110.

*Jacobin Equality*

Burke then transitions in *Reflections* into discussing the implications of Jacobin equality on economic liberty. Man “has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour.”<sup>1388</sup> From the modern ear, Burke’s use of “fair” immediately evokes notions of government-mandated wealth redistribution to create a more economically egalitarian society. Yet Burke follows this comment by arguing the opposite. In one of the most significant statements in *Reflections* that captures his philosophy of political economy, Burke states, “In this partnership all men have equal rights; but not to equal things.”<sup>1389</sup> Burke is declaring that liberty is a right that should be equally protected for all members in the commonwealth. The right to liberty, however, did not signify the right to possess the same amount of wealth as others.

Burke here is blasting one of the foremost tenets of Jacobinism: the abstract right to equality demanded the equal possession of property in order to reduce economic disparities and furnish an egalitarian society. In Burke’s judgment, however, the right to produce did not translate into a right to economic equality based on wealth. He writes:

He that has but five shillings in the partnership has as good a right to it as he that has five hundred pounds has to his larger proportion. But he has not a right to an equal dividend in the product of the joint stock; and as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society; for I have in my contemplation the civil social man, and no other. It is a thing to be settled by convention.<sup>1390</sup>

True economic equality is based on process, not outcome. All men have the equal right to use what they produce, but they do not have the right to be as wealthy as one’s

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<sup>1388</sup> Langford, *Writings and Speeches*, VIII, 110.

<sup>1389</sup> Langford, *Writings and Speeches*, VIII, 110.

<sup>1390</sup> Langford, *Writings and Speeches*, VIII, 110.

neighbor.<sup>1391</sup> In addition to equality of process, this principle reflects proportional equality: a man who possesses five shillings has the right to use five shillings. A man who possesses five hundred pounds has a right to use five hundred pounds. In both cases, the individual right to own and use his own property is maintained.

Burke's economic critique of the French Revolution did not rest simply on this defense of *individual* property rights. More significant is that Burke's belief in the right to property applied to *corporate* bodies as well as to individuals, as evidenced by his aforementioned remarks asserting the prescriptive property rights of the Gallican Church. Burke also remarks critically in *Reflections* that French confiscators allege that "ecclesiastics are fictitious person, creatures of the state; whom at pleasure they may destroy, and of course limit and modify in every particular; that the goods they possess are not properly theirs, but belong to the state which created the fiction..."<sup>1392</sup> By invoking "fiction," Burke signals his acute disapproval of the idea that corporate bodies are superficial entities, their property unworthy of state protection.

In addition, Burke says in his *Remarks on the Policy of the Allies*, given in 1793, that "no one can be so very blind" to believe the French monarchy could be supported "upon any other basis than that of its property, *corporate and individual*..."<sup>1393</sup> Burke then links the stability of these forms of property with the perpetuation of social union in France. The monarchy could not "enjoy a moment's permanence or security upon any scheme of things, which sets aside all the antient corporate capacities and distinctions of the kingdom, and subverts the

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<sup>1391</sup> This quotation also reiterates Burke's opposition to the idea of political equality in the national legislature.

<sup>1392</sup> Langford, *Writings and Speeches*, VIII, 156.

<sup>1393</sup> Langford, *Writings and Speeches*, VIII, 459.



whole fabrick of its antient laws and usages...”<sup>1394</sup> in order to form a polity based on the “supposed *Rights of Man, and the absolute equality of the human race*.”<sup>1395</sup>

Burke’s efforts defending corporate property rights dilutes the claims from scholars that his conception of political economy was motivated by an ethos of individualism. Alfred Cobban writes that one precept of Burke’s economic thought was “unqualified individualism.”<sup>1396</sup> Judith N. Shklar echoes Cobban’s portrayal.<sup>1397</sup> If one narrows the focus of Burke’s political economy to *Thoughts and Details*, as Cobban and Shklar do, these statements are inaccurate: in the tract, Burke stresses the sociability of market transactions between sellers and purchasers. More so, if one widens analysis of his political economy to include *Reflections*, Cobban’s and Shklar’s analysis appears even more imprecise: Burke’s unwavering defense of the corporate property of the Gallican Church demonstrates that his embrace of property rights included both individual *and* group rights. “Corporate bodies are immortal for the good of the members...” he says, referring to nations as well as to churches and families.<sup>1398</sup>

To Burke, then, perhaps the most poisonous consequence of the Jacobin attempt to thrust the idea of abstract equality on French civil society was the endangerment of property rights. This principle of equality was embedded in the Declaration of the Rights of Man and of Citizen, the seminal document of the French Revolution asserting the natural rights of man, and approved by the Constituent Assembly on 27 August 1789. In a parliamentary

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<sup>1394</sup> Langford, *Writings and Speeches*, VIII, 459.

<sup>1395</sup> Langford, *Writings and Speeches*, VIII, 459.

<sup>1396</sup> Cobban, *Edmund Burke and the Revolt Against the Eighteenth Century*, 196.

<sup>1397</sup> Shklar, *After Utopia*, 225. “As Cobban notes, ‘they are based on natural rights and unqualified individualism: which means that they are utterly alien from...his political ideas.’”

<sup>1398</sup> Langford, *Writings and Speeches*, VIII, 189.

speech in December 1792, at a time when the British government was debating how to react to French territorial ambitions, Burke referred to that document when he said he could not hear “without emotions of horror, the application made of [the rights] to property in frequent discussions on the French revolution.”<sup>1399</sup> He continued: “It was this kind of application which caused most of the horrors of the French revolution.”<sup>1400</sup>

The Jacobin urge to equalize society imperiled ecclesiastical and aristocratic property in particular. “When once the commonwealth has established the estates of the church as property, it can, consistently, hear nothing of the more or the less,” Burke writes. “‘Too much’ and ‘too little’ are treason against property.”<sup>1401</sup> Claiming that one body has an excessive amount of property, and that other bodies do not possess a sufficient amount, is grounds to confiscate the estates of one to give to the other. This uninhibited quest toward equality also threatened the property of the landed nobility. In his *Speech on the Army Estimates*, Burke asks MPs in the House of Commons to consider whether they “would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed; their title deeds brought out and burned before their faces...” simply because they were “born gentlemen, and men of property...”<sup>1402</sup> Radical movements, moreover, were especially threatening to property: “Revolutions are favorable to confiscation; and it is impossible to know under what obnoxious names the next confiscations will be authorized,” he writes in *Reflections*.<sup>1403</sup>

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<sup>1399</sup> Langford, *Writings and Speeches*, IV, 519.

<sup>1400</sup> Langford, *Writings and Speeches*, IV, 519.

<sup>1401</sup> Langford, *Writings and Speeches*, VIII, 153.

<sup>1402</sup> Langford, *Writings and Speeches*, IV, 290.

<sup>1403</sup> Langford, *Writings and Speeches*, IV, 204.

Based on the aforementioned evidence, Burke can be accused of defending the landed interests of the landed and religious elite at the expense of the lower classes represented in the Third Estate. Burke's position, however, is that Jacobinism imperiled the property rights of all—not just the nobility and clergy. By subsuming the clergy and aristocracy into the National Assembly, driven by the energies of the commoners in the Third Estate, Jacobins “laid the axe to the root of all property,”<sup>1404</sup> as Burke says in his *Speech on the Army Estimates*.

Hence Burke's position—the belief that “too much” and “too little” are “treason against property”—illuminates an indispensable part of Burke's philosophy of political economy: the drive for perfect equality compromises the very social order that allows civil society to endure in the first place. In the case of the French Revolution, it cracked the foundations of the French monarchy, church, nobility, law, revenue, army, navy, commerce, arts, and manufactures.<sup>1405</sup> It empowered the government to crush the right to property. It “level[ed] all ranks, orders, and distinctions in the state; and utterly to destroy property, not more by their acts than in their principles,” Burke writes in *Appeal from the New to the Old Whigs*.<sup>1406</sup> It sunk that anchor of constitutional government, landed property, that stabilized political communities and checked the tyrannical ambitions of the monarch. The lust to equalize, therefore, carried consequences far beyond economic considerations: it jeopardized the political foundations of a community.

Burke observes that the Jacobin campaign to equalize society injured *market* activity as well as prescriptive property rights. Jacobinism led to “industry without vigour” and

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<sup>1404</sup> Langford, *Writings and Speeches*, IV, 289.

<sup>1405</sup> Langford, *Writings and Speeches*, IV, 285.

<sup>1406</sup> Langford, *Writings and Speeches*, IV, 399.

“commerce expiring,” among a host of malicious consequences.<sup>1407</sup> This socioeconomic disorder created “a people impoverished,” not to mention a “church pillaged.”<sup>1408</sup> Recall also Burke’s statement that he would support the changing circumstances in France as long as he could be certain that the French citizen would be preserved the “free use of his industry and his faculties...”<sup>1409</sup> Burke’s perception that the French Revolution threatened the country’s commercial growth conveys that *Reflections* was not simply a defense of a sluggish hereditary aristocracy.

Accordingly, in Burke’s judgment, the pursuit toward equality does not actually result in equality. This insight is essential to understanding Burke’s conception of the relationship between politics and economics, and is another principal tenet of his philosophy of political economy. For Burke, the goal of establishing social and economic equality is a futile quest to create a perfect society in an imperfect world. As Burke insists in *Reflections*, “those who attempt to level, never equalize.”<sup>1410</sup> Social engineering fails to achieve its aim of eliminating distinctions amongst a complex group of individuals, living in a complex society.

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<sup>1407</sup> Langford, *Writings and Speeches*, VIII, 89. The full quotation is: “They have found their punishment in their success: laws overturned; tribunals subverted; industry without vigor; commerce expiring; the revenue unpaid, yet the people impoverished; a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; everything human and divine sacrificed to the idol of public credit, and national bankruptcy the consequence; and, to crown all, the paper securities of new, precarious, tottering power, the discredited paper securities of impoverished fraud and beggared rapine, held out as a currency for the support of an empire in lieu of the two great recognized species that represent the lasting, conventional credit of mankind, which disappeared and hid themselves in the earth from whence they came, when the principle of property, whose creatures and representatives they are, was systematically subverted.”

<sup>1408</sup> Langford, *Writings and Speeches*, VIII, 89.

<sup>1409</sup> William and Bourke, *Works and Correspondence of the Right Honourable Edmund Burke*, vol. 1, 559.

<sup>1410</sup> Langford, *Writings and Speeches*, VIII, 100.

Why is this the case? Such a complex group will naturally include individuals of different backgrounds who achieve preeminence. “In all societies, consisting of various descriptions of citizens, some description must be uppermost,” Burke states.<sup>1411</sup> An aristocracy naturally pulls away from the masses, setting moral standards and pursuing the common good in the legislature. The Jacobin campaign for equality rejected the idea that natural distinctions form in civil society. Hence it rejected nature: “The levellers therefore only change and pervert the natural order of things...”<sup>1412</sup> In Burke’s view, the naturally forming hierarchy of man exposed Jacobin equality to be a naked concept, shivering and exposed, removed from a multi-dimensional historical reality.

*The Path from Abstract Equality To Power*

Ultimately for Burke, the engine behind the confiscation and redistribution of landed and commercial property was the desire for pure, unchecked power. Power, Burke writes early in *Reflections*, is the product of men exercising their liberties in bodies. Thus, “Considerate people, before they declare themselves, will observe the use which is made of power...”<sup>1413</sup> In the case of Jacobinism, power was first brandished by the Constituent Assembly when it usurped Church lands for the ostensible purpose of shoring up France’s national debt, thereby promoting its national interests—the “most astonishing of all pretexts,” Burke states.<sup>1414</sup>

The result was tyranny. “Who but a tyrant...could think of seizing on the property of men, unaccused, unheard, untried, by whole descriptions, by hundreds and thousands

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<sup>1411</sup> Langford, *Writings and Speeches*, VIII, 100.

<sup>1412</sup> Langford, *Writings and Speeches*, VIII, 100.

<sup>1413</sup> Langford, *Writings and Speeches*, VIII, 59.

<sup>1414</sup> Langford, *Writings and Speeches*, VIII, 156.

together?” Burke asks hypothetically in *Reflections*.<sup>1415</sup> France “has sanctified the dark suspicious maxims of tyrannous distrust...”<sup>1416</sup> Burke cleverly equates the apparent tyranny of kings, most notably King Louis XVI, with, in his judgment, the real tyranny of the Jacobin democratic mob—the people seemingly committed to overthrowing tyranny:

The sophistic tyrants of Paris are loud in their declamations against the departed regal tyrants, who in former ages have vexed the world. They are thus bold, because they are safe from the dungeons and iron cages of their old masters. Shall we be more tender of the tyrants of our own time, when we see them acting worse tragedies under our eyes? Shall we not use the same liberty that they do, when we can use it with the same safety—when to speak honest truth only requires a contempt of the opinions of those whose actions we abhor?<sup>1417</sup>

Burke’s invocation of tyranny is used for purposes beyond rhetoric. He truly believed that the state’s claim to property over the church was a prelude to the tyrannical excesses of unrestrained democracy. More so, in abandoning all pretenses of repairing France’s national credit, Jacobins’ seizure of private property was justified to fulfill the revolutionary vision of human equality. For Burke, the desire to equalize degenerated into an impulse to usurp. The Jacobin gospel of equality was a mask for despotism.

#### **h. The Impact of Abstract Theorizing on Political Economy**

The gap between the Jacobin campaign to promote human equality and the violent horrors that attended it highlights the most famous insight Burke voices repeatedly in *Reflections*: abstract theorizing is dangerous because it fails to take into account the primacy of circumstance. Circumstances, Burke writes, “give in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every

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<sup>1415</sup> Langford, *Writings and Speeches*, VIII, 155.

<sup>1416</sup> Langford, *Writings and Speeches*, VIII, 89.

<sup>1417</sup> Langford, *Writings and Speeches*, VIII, 156.

civil and political scheme beneficial or noxious to mankind.”<sup>1418</sup> Burke’s observations here are typically applied to his defense of Britain’s inherited political, social, and legal traditions. But there also is an eminent relevance to Burke’s conception of political economy.

One of Burke’s sharpest beliefs about the relation between abstract theory and circumstance in *Reflections* is that the former does little to encourage the flow of provisions in market economies. Burke writes:

What is the use of discussing a man's abstract right to food or medicine? The question is upon the method of procuring and administering them. In that deliberation I shall always advise to call in the aid of the farmer and the physician rather than the professor of metaphysics.<sup>1419</sup>

The concrete market participant is far more effective at producing goods and services than the abstract theorist removed from the pulse of market activity. Individuals who actually make products, or, in the case of doctors, prescribe medicine, are in a salutary position to bring the service to the consumer. While the distant professor may lecture on the metaphysical necessity to distribute food and medicine to everyone in the name of universal equality, the person in the arena—toiling the fields, checking up on patients, meeting customers face-to-face—is the one who fulfills this philosophical speculation in reality. Burke also signals a distinction consistent with his position on traders: while men—such as farmers—of moderate professions might not be qualified to govern, they did play an indispensable role in efficiently steering resources to where they were needed most.<sup>1420</sup>

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<sup>1418</sup> Langford, *Writings and Speeches*, VIII, 59.

<sup>1419</sup> Langford, *Writings and Speeches*, VIII, 111. It must be stressed that Burke’s pejorative reference to the “professor of metaphysics” is a specific rebuke to Jacobins, not to the classical and scholastic traditions of philosophy.

<sup>1420</sup> Consult the debate in “Ethics as a Precondition for Commerce” earlier in this chapter on the contributions of Bill Gates and Mother Teresa to civil society. In these comments, Burke would appear to favor Gates. But the analogy is not ideal

Burke does not elaborate specifically on the claim that the farmer and physician are more helpful than professors of metaphysics at procuring necessities in *Reflections*, but it smoothly complements his Hayekian observations in *Thoughts and Details*. In the latter tract, Burke identifies the practical activities of farmers and laborers in cultivating farmland, including his own personal experiences in farming and trading crops. For example, following the poor winter harvest of 1795-95, Burke writes in *Thoughts and Details*, “My best ears and grains were not fine; never had I grain of so low a quality—yet I sold one load for 21l. At the same time I bought my seed wheat (it was excellent) at 23l.”<sup>1421</sup> For Burke, the concrete experiences of farmers and traders, like himself, were responsible for the circulation of provisions, not theoretical speculators professing on the perceived merits of abstract equality.

This is why Burke states in *Thoughts and Details* that economic legislation requires the “exactest detail of circumstances” in order to form “firm and luminous general principles”<sup>1422</sup> to effectively regulate market activity. In his view, Jacobins were adept at furnishing firm and luminous principles such as “equality”; what they lacked, however, was a heightened consciousness of the complicated nature of fluid socioeconomic transactions. If they were aware, Burke suggests in *Reflections* and *Thoughts and Details*, this recognition might temper their faith in the power of regulatory rationality to perfect the human condition.

Burke’s related point is that the farmer and physician are physically *closer* to other participants in exchange relations than abstract speculators, and thus are more familiar with

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because Burke contrasts the farmer and physician with a “professor of metaphysics,” not a religious authority like Mother Teresa.

<sup>1421</sup> Langford, *Writings and Speeches*, IX, 138.

<sup>1422</sup> Langford, *Writings and Speeches*, IX, 124.



their desires and wishes. This becomes evident in an important passage in *Thoughts and*

*Details*:

Market is the meeting and conference of the *consumer* and *producer*, when they mutually discover each other's wants. Nobody, I believe, has observed with any reflection what market is, without being astonished at the truth, the correctness, the celerity, the general equity, with which the balance of wants is settled.<sup>1423</sup>

The abstract theorist does not meet a flesh-and-blood human being in the marketplace when philosophizing on the virtues of equality and liberty. But the producer and consumer, by the very nature of their roles in market economies, immediately experience the presence of one another. Each individual becomes aware of the other's market preferences, and seeks to fulfill them in order to obtain a product or recompense. Market exchange is a process of mutual discovery.

In this context, Burke's observation anticipates Hegel's notion of civil society as an arena of reciprocal fulfillment. As mentioned, Burke's conception of "civil society" included not just apolitical intermediary institutions but government as well. Hegel, however, was the first philosopher to specifically locate the concept of civil society as the area between the individual and the government. In *Philosophy of Right*, Hegel described market economies—what he called a "system of needs"—as a vital part of his conception of civil society. In the system of needs, Hegel writes, "subjective self-seeking turns into a contribution to the satisfaction of the needs of everyone else."<sup>1424</sup> The quest to satisfy one's needs necessarily involves, and impacts, other members of civil society.

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<sup>1423</sup> Langford, *Writings and Speeches*, IX, 133.

<sup>1424</sup> Georg Hegel, *Philosophy of Right*, trans. T.M. Knox (Oxford: Oxford University Press, 1962), 129.

One defect in Jacobin abstractionism, then, was its failure to appreciate what Burke and Hegel stressed: the significance of mutual encounters between flesh-and-blood human beings in communities. In the case of Burke's political economy, this abstractionism rejected the efficacy of voluntary social and economic arrangements. It dismissed the idea that *shared experiential realities* of market participants were the driving forces behind the distribution of provisions and services. Each individual in civil society carries his own particular preferences and desires. But he cannot realize these wishes without having to interact with another individual, who, in the case of political economy, is a producer, consumer, or middleman. In *Philosophy of Right*, "each man in earning, producing and enjoying on his own account is *eo ipso* producing and earning for the enjoyment of everyone else."<sup>1425</sup> For Hegel and Burke, man in market economies is forced to *rely* on other human beings for self-satisfaction.

In Burke's judgment, the Jacobin itch to ignore these experiences of real human beings was a license for social engineering on the part of the state. Recall Burke's aforementioned comment in *Reflections* that "'[t]oo much' and 'too little' are treason against property."<sup>1426</sup> Similarly, he conveyed a reticence to experiment with the people's private property in a letter he wrote on 26 February 1790, soon after he issued his first public statement condemning the French Revolution in *Speech on the Army Estimates*. "I do not find myself at liberty, either as a man, or as a trustee for men, to take a *vested* property from one man, and to give it to another," he insists in the letter to Captain Thomas Mercer, an acquaintance of Burke's, "because *I* think that the portion of one is too great, and that of

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<sup>1425</sup> Hegel, *Philosophy of Right*, 130.

<sup>1426</sup> Langford, *Writings and Speeches*, VIII, 153.

another too small.”<sup>1427</sup> For Burke, why should an individual, much less the state, hold the authority to determine the amount of land each individual should possess? Burke thought that the government’s decision to do so would lead to tyranny.

Therefore, Burke’s censure of Jacobin abstractionism can be applied to his notion of political economy in *Reflections* and in *Thoughts and Details*. In both writings, Burke rebukes the idea of wealth redistribution. In the former, Burke assails French revolutionaries for transferring wealth from the church to the monied interest. In the latter, Burke condemned, among various ideas, the proposal for government to increase wage rates of agricultural laborers and regulate the grain supply. *Reflections* primarily addressed landed property, and *Thoughts and Details* the market of provisions. But Burke detected the same tendency underlying both Jacobinism and British supporters of government regulation: the thirst to level social and economic classes for the supposed purpose of promoting egalitarianism. Both movements sought to socially engineer civil society.

In other words, Burke’s point is that no state official should hold the power to determine whether some have too much wealth and others too little. “[W]ho are to judge what that profit and advantage ought to be?” he asks in *Thoughts and Details*. “[C]ertainly no authority on earth.”<sup>1428</sup> This comment echoes Burke’s aforementioned remark that “[t]oo much’ and ‘too little’ are treason against property”<sup>1429</sup> in *Reflections*; the two statements are prime examples of Burke’s propensity to apply the same principle to different historical circumstances. With regard to *Thoughts and Details*, Burke avows the principle that

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<sup>1427</sup> Alfred Cobban and Robert A. Smith, eds., *The Correspondence of Edmund Burke*, vol. VI, July 1789-December 1791 (Cambridge: Cambridge University Press, 1967), 93-94.

<sup>1428</sup> Langford, *Writings and Speeches*, IX, 126.

<sup>1429</sup> Langford, *Writings and Speeches*, VIII, 153.

government authorities should not dictate the amount of commercial wealth a market participant could possess. In *Reflections*, Burke articulates the same principle and relates it to the landed property of the Gallican Church. In both cases, Burke draws attention to the hazard of permitting the state to control the people's private wealth according to the wishes of rulers.

The danger of Jacobin abstractionism fomented an additional toxic effect on France's political economy: it justified the indiscriminate spreading of *assignats*. As discussed, Burke lambasted the paper money for triggering inflation and turning ecclesiastical property into cudgels for material gain. The deeper point, however, is that Burke perceived the flood of *assignats* to reflect a philosophical disposition consumed by abstract faith. "With these philosophic financiers, this universal medicine made of church mummy is to cure all the evils of the state," Burke writes.<sup>1430</sup> He continues: "These gentlemen perhaps do not believe a great deal in the miracles of piety, but it cannot be questioned that they have an undoubting faith in the prodigies of sacrilege."<sup>1431</sup> In Burke's judgment, this dash to distribute *assignats* reflected Jacobins' blind *theoretical* impulse to advance the welfare of the state through the expropriation of private property. The *assignat* was the economic expression of Jacobin metaphysics.

Burke's analysis matched reality. When arguing in support of issuing the paper money, French statesman Pierre Hubert Anson had said, "Everything suggests that the circulation of *assignats* is the best of all operations; indeed, it is the freest, because it is founded upon the general will."<sup>1432</sup> It is not a coincidence that Anson's invocation of

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<sup>1430</sup> Langford, *Writings and Speeches*, VIII, 280.

<sup>1431</sup> Langford, *Writings and Speeches*, VIII, 280.

<sup>1432</sup> Aftalion, *French Revolution*, 74.

“general will” is reminiscent of Rousseau’s abstract concept of the General Will, in which different members of a political community transcend their selfish interests to join together to advance the common good. For Burke, the flood of depreciating *assignats* exemplified the venomous economic effect of forcing the General Will upon a people: it threatened the smooth operation of market order—not to mention political order.

The French Revolution’s abstract conceptions of egalitarianism also permeated debate in the Constituent Assembly over *assignats*. Tapping into the egalitarian sentiments of the Assembly’s leftist members, the Comte de Mirabeau contended in an important speech that in order for the church land to be sold efficiently, it had to be accessible to the “less well-to-do”<sup>1433</sup> French. His speech garnered “loud applause,” and “continued to have an effect upon the Assembly throughout the very lively debate,” according to Florin Aftalion.<sup>1434</sup> Bergasse-Laziroule, a deputy from the Third Estate, recognized the potency of high-sounding prose: “abstract truths not being within the scope of all men, orators can easily gain a hold upon them, corrupt or mystify them as they will.”<sup>1435</sup> This was Burke’s worry. Abstract Jacobin philosophy could be employed to justify aggrandizing the power of the state, which, in this case, signified issuing an avalanche of *assignats* in the name of repairing public credit and restoring national honor. For Burke, such a policy would set the conditions for economic decay, and despotism.

One compelling peculiarity about Burke’s political economy of the French Revolution is that while he is known for defending the ancien régime in *Reflections*, he actually criticizes it in *Thoughts and Details* for being too heavily involved in regulating France’s

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<sup>1433</sup> Aftalion, *French Revolution*, 78.

<sup>1434</sup> Aftalion, *French Revolution*, 78.

<sup>1435</sup> Aftalion, *French Revolution*, 77.

economy before the Revolution. In the economic tract, Burke approvingly conveys the opinion of his “dear departed friend” —ostensibly his son Richard, who had passed away the year before—that “the leading vice of the French monarchy...was in good intention ill-directed, and a restless desire of governing too much.”<sup>1436</sup> Thus the “hand of authority was seen in every thing, and in every place,”<sup>1437</sup> reflecting the policy of *dirigisme*.

Burke goes further in suggesting, ever so slightly, that the ancien régime’s heavy regulatory burden created the conditions for revolution. “[T]hough it’s enemies were not enemies to it’s faults, it’s fault furnished them with means for it’s destruction,” he claims.<sup>1438</sup> More so, “All, therefore, that happened amiss in the course even of domestic affairs, was attributed to the Government; and, as it always happens in this kind of officious universal interference, what began in odious power, ended always, I may say without an exception, in contemptible imbecility.”<sup>1439</sup> Burke acknowledges that the constitution of the French monarchy had “much good.”<sup>1440</sup> But the essence of Burke’s insight is that the ancien régime’s failure to relax its regulatory grip on France’s market economy laid the seeds for public discontent.

The philosophical consequences of imposing abstract equality on political economy penetrated deeper for Burke. The replacement of the farmer and physician with Jacobin philosophers revealed a descent toward *dehumanization*. Political economy was an environment of concrete socioeconomic circumstances—trading, bartering, negotiating, and contracting. The practical experiences of market actors generated goods and services, and

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<sup>1436</sup> Langford, *Writings and Speeches*, IX, 144.

<sup>1437</sup> Langford, *Writings and Speeches*, IX, 144.

<sup>1438</sup> Langford, *Writings and Speeches*, IX, 144.

<sup>1439</sup> Langford, *Writings and Speeches*, IX, 144.

<sup>1440</sup> Langford, *Writings and Speeches*, IX, 144.

satisfied the mutual needs of producers and consumers. But because Jacobins denied the importance of private socioeconomic relationships and the market conditions that sustained them, they acted on the impulse to transform human beings into abstract chess pieces, arranging and rearranging their property in order to satisfy the revolutionaries' own vision of equality, liberty, and fraternity. In short, Jacobinism saw man as an instrumental abstract entity to exploit rather than a living, breathing human being to respect.

### i. Conclusion

A full appreciation of Burke's critique of the French Revolution requires not simply recognition of his rebuke of abstract reason or of the uprooting of French society. It calls for acute attention to his economic argument, underdeveloped yet present in the writing. And because Burke did not perceive land and commerce to stand in irreconcilable tension, this awareness must grasp that Burke's economic critique was not *just* an economic critique; it was inextricably linked with broader philosophical questions of politics, morality, and history.

Burke held prescient observations on the direction of France's revolutionary economy. He recognized that the mix of the monied interest, the flood of *assignats*, and the augmentation of the French state would foster painful economic consequences, such as rampant speculation and the aggravation of food prices. He detected that the burst of *assignats* would lead to further depreciation and hyperinflation.<sup>1441</sup> He anticipated correctly

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<sup>1441</sup> Remember that at the time Burke wrote *Reflections*, the *assignats* had depreciated—but not nearly as much as it had after its publication, particularly between August 1794 and December 1795. See Harris, *Assignats*, 186-205. Note that Brezis and Crouzet argue that up until 1792, *assignats* did not cause inflation. They contend that starting in 1792, there was a direct correlation between the two. See Brezis, "The Role of Assignats during the French Revolution," 26-27.

that Jacobin economics would largely disturb—not facilitate—industrious activity and commercial transactions. Indeed, the Revolution would lead to the enlargement of the state bureaucracy and the centralization of the economy,<sup>1442</sup> including the government control of wages and trade.

More important, Burke anticipated correctly that the breakdown of the French revolutionary economy would lead to violence. Consider his keen insight that foresaw the farmer's struggle to make a profit when dealing crops in towns:

The truly melancholy part of the policy of systematically making a nation of gamblers is this, that though all are forced to play, few can understand the game; and fewer still are in a condition to avail themselves of the knowledge. The many must be the dupes of the few who conduct the machine of these speculations. What effect it must have on the country people is visible. The townsman can calculate from day to day, not so the inhabitant of the country. When the peasant first brings his corn to market, the magistrate in the towns obliges him to take the assignat at par; when he goes to the shop with his money, he finds it seven per cent the worse for crossing the way. This market he will not readily resort to again. The townspeople will be inflamed; they will force the country people to bring their corn. Resistance will begin, and the murders of Paris and St. Denis may be renewed through all France.<sup>1443</sup>

Due largely to the depreciating value of the *assignats*, farmers would realize they could not receive strong market value for their crops in towns. Hence they would stop trading in those towns.<sup>1444</sup> But then the townspeople would force farmers to trade their corn in markets. Resistance and violence would ensue.

It did. Under the Reign of Terror, France fortified its control over “goods of the first necessity”<sup>1445</sup> for the purposes of alleviating food shortages and punishing farmers who

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<sup>1442</sup> See Aftalion, *French Revolution*, 138-62,

<sup>1443</sup> Langford, *Writings and Speeches*, VIII, 241.

<sup>1444</sup> See also Henry E. Bourne, “Maximum Prices in France in 1793 and 1794,” *The American Historical Review* 23 (1917): 110.

<sup>1445</sup> Schama, *Citizens*, 757.



allegedly hoarded their crops. This required forcing farmers to sell their goods in markets. “...[V]ery often [this economic initiative] degenerated into the sans-culotte *armées révolutionnaires*, sent to enforce the economic Terror,” Simon Schama writes, “ransacking villages for concealed sacks of wheat or guarding fields, lest the peasants cut the crop while it was still green rather than surrender it at dictated prices.”<sup>1446</sup> Burke anticipated this poisonous ramification of Jacobin economic policy.

In a larger sense, Burke recognized that the *assignats* epitomized the wider revolutionary temptation to grasp for power at the expense of the corporate body and the individual. He predicted correctly that the seizure of church lands threatened the property rights of all French citizens. The control of the economy would lead to coercion and force. The wider the French state expanded for the Jacobin, the smaller the zone of autonomy contracted for the ordinary French citizen. Burke prophesied accurately that the cry for abstract equality would degenerate into screams of terror.

#### *Elements of Economic Freedom in the French Revolution*

Even though Burke did make these accurate predictions about the violent direction of revolutionary France, he did *not* note specifically that the French Revolution actually advanced economic freedom in particular instances.<sup>1447</sup> For example, the Constituent

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<sup>1446</sup> Schama, *Citizens*, 757.

<sup>1447</sup> One must also keep in mind that *Reflections* was not necessarily an objective history of the Revolution. For example, Burke’s interpretation of the event’s rash anticlericalism conflicts with Schama’s account that Talleyrand was “not in fact an anticlerical bishop” but one of “pragmatic and utilitarian” inclinations. See Schama, *Citizens*, 483. Note also that the French Revolution did not actually overthrow all of French society. “...[O]ne of the most striking features of post-revolutionary France was the survival of ideas, prejudices, and social relationships characteristic of the *ancien régime*,” R.B. McDowell writes in one of the collected editions of Burke’s

Assembly abolished the guild system, and later the right of all corporate bodies to assemble, in 1791.<sup>1448</sup> Defenders of guilds claimed they set professional standards for their craft and closely supervised workers. But traditional criticisms of guilds have indicted them for exploiting their privileged status to raise prices, exclude outsider artisans from practicing their craft, stifle innovation, reduce the wages of workers, and thwart the efficient production of goods.<sup>1449</sup> Adam Smith described them this way: “It is to prevent this reduction of price, and consequently of wages and profit, by restraining that free competition which would most certainly occasion it, that all corporations, and the greater part of corporation laws, have been established.”<sup>1450</sup> Under the premise that guilds did, in fact, harm commercial vitality by narrowing competition and regulating the production and selling of goods, the French Revolution’s abolition of the group signified movement toward greater economic freedom.

In many ways, the question of guilds captures the seeming tension in Burke’s broader political philosophy. The corporate ethos of the guild would appear to confirm Burke’s

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writing and speeches on the French Revolution. See Langford, *Writings and Speeches*, IX, 17.

<sup>1448</sup> For an overview of the French Revolution’s abolition of the guilds, see Doyle, *Oxford History of the French Revolution*, 149; Schama, *Citizens*, 519-20; Liana Vardi, “The Abolition of the Guilds during the French Revolution,” *French Historical Studies* 15 (1988): 704-17; and William H. Sewell, Jr., *Work & Revolution in France: The Language of Labor from the Old Regime to 1848* (Cambridge: Cambridge University Press, 1997), 1-2. Emerging in medieval Europe, guilds, or *corps de métiers*, were typically groups of merchants and craftsmen who regulated the production and trade of their craft. They would receive a charter to legally operate in particular towns. Starting in the Middle Ages, guilds were the primary way in which industrial activity in France was organized. They were hierarchical institutions, governed by a body of masters who presided over the craftsmanship of apprentices and journeymen. Although they served a seemingly useful purpose in promoting common ties and mutual aid amongst different craftsmen in a given industry, they were perceived by Jacobins as an ugly remnant of France’s medieval past.

<sup>1449</sup> See Vardi, “The Abolition of the Guilds during the French Revolution,” 704-17.

<sup>1450</sup> Smith, *Wealth of Nations*, vol. I, 140.

embrace of social groups over the individual, while the dismantling of guilds would appear to lend harmony to Burke's support for market liberalism, as outlined most forcefully in *Thoughts and Details*. While Burke defends corporate bodies with a fervor in *Reflections*, he never explicitly mentions guilds in his analysis.

There was at least one instance in Burke's career, however, when Burke acted on behalf of a group of artisans that aimed to build guild-like barriers to entry in their trade. In March 1787, he introduced in the House of Commons a petition from Scottish weavers that would have lengthened the years for apprentices to receive instruction in the weaver trade. "...[I]t is only the Hand of the skilful Artist who gives that decided Superiority to Goods of the same Quality, which is the surest Pledge for future Demands, as well as the better to enable us to cope with our rival Neighbours..." the petition claims.<sup>1451</sup> By emphasizing the indispensability of experienced craftsmen, the petition clearly intended to protect the interests of existing weavers and inhibit economic opportunities for young apprentices. Whether Burke really believed in the merits of raising barriers to entry was another matter. He provided lukewarm support for the initiative.<sup>1452</sup> Years before, he condemned the penal laws for, among various reasons, imposing arbitrary regulations and fees that limited employment opportunities for Irish Catholics. Years later, in his critique of the East India Company, Burke lambasted the corporation for using increased production costs to thwart competition from Indian cultivators and traders. Burke's decision to present the weaver petition is inconsistent with his other efforts to lower obstacles to trade.

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<sup>1451</sup> *The Journals of the House of Commons*, vol. 42 (London: H.M. Stationery Office, 1803), 433.

<sup>1452</sup> Lock, *Edmund Burke*, vol. II, 53n12. A few years earlier, when Burke was in Scotland, he attended a gathering with the Committee of Operative Weavers, and encouraged friend and political mentee William Windham to speak to them. See also Windham, *Diary of the Right Hon. William Windham*, 61.

The French Revolution was responsible for advancing economic freedom in other ways. On 4 August 1789, on the same day it abolished other feudal privileges,<sup>1453</sup> the Constituent Assembly eliminated the *corvée*, the system of forced labor for commoners that had contributed substantially to the construction of France's roads.<sup>1454</sup> It was replaced by a property tax. The same day the Assembly also voted to abolish the traditional tithe system.<sup>1455</sup> On 31 October 1790, the body ended domestic customs trade barriers for goods dealt amongst French provinces—one day before *Reflections* was published. The elimination of additional taxes on trade and consumption continued on through 1791. The direct taxes of *vingtièmes*, capitation, and *taille* were removed, as were special exemptions and privileges. The French government established three direct taxes—the property tax, a tax on commercial profit, and a tax on movables<sup>1456</sup>—in place of the old byzantine system.

These Jacobin efforts at economic reform suffered from defects as well. The implementation of new direct taxes would be more difficult to enforce than indirect taxes. The expropriation of church land violated private property rights. Later, of course, Jacobin economic policy issued a system of price and wage controls, confiscated additional private property, and intruded in the private lives of French citizens.<sup>1457</sup> Admittedly, Burke's initial

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<sup>1453</sup> These changes were formally codified on 11 August.

<sup>1454</sup> Schama, *Citizens*, 85.

<sup>1455</sup> The inclusion of eliminating tithes in this paragraph assumes, of course, that doing so advances the cause of economic freedom.

<sup>1456</sup> Doyle, *Oxford History of French Revolution*, 131.

<sup>1457</sup> For recent libertarian assessments of the economic policies of the French Revolution, see Richard M. Eberling, "Inflation, Price Controls, and Collectivism During the French Revolution," *Foundation for Economic Education*, November 9, 2016, accessed January 2, 2017, <https://fee.org/articles/inflation-price-controls-and-collectivism-during-the-french-revolution/>; and H.A. Scott Trask, "Inflation and the French Revolution: The Story of a Monetary Catastrophe," *Mises Institute*, April 4, 2004, accessed January 2, 2017, <https://mises.org/library/inflation-and-french-revolution-story-monetary-catastrophe>.

publication of *Reflections* came after many of these economic regulations were implemented, and after the abolition of guilds, while the elimination of internal customs occurred the day before the writing was published. The purpose of the aforementioned analysis, however, is to highlight instances during the French Revolution that did not conform with Burke's portrayal of the Revolution as a movement utterly opposed to economic liberty.

*Burke's Political Economy and the French Revolution*

The idea that a natural economic order should be liberated from the burden of feudal privilege and monopoly—such as in the case of guilds—brings to light unresolved philosophical questions concerning the relationship between Burke's economic doctrine and the French Revolution. Recall Pocock's explanation of Burke's political economy of the Revolution: the ethical and institutional foundations of medieval Europe allowed for the emergence of commercial flourishing in eighteenth-century Europe. Commerce was the product of the Middle Ages' code of chivalry, not the other way around.

This narrative is sufficient as far as it goes in regard to *Reflections*. The difficulty, however, is that Burke's broader theory of political economy—including but not limited to *Reflections*—overlaps with areas of Jacobin economic thought. Burke's denouncement of the radical movement in *Reflections*, therefore, glides over such plausible intellectual convergence. For example, some French revolutionaries arrived at similar conclusions about the importance of protecting private property—but they did so by employing the language of abstract natural rights theory, a philosophy Burke roundly condemned. The Abbé Sieyès, who had been even more critical of ecclesiastical authority than Talleyrand, contended that the confiscation of church property breached the inviolable right to property enshrined in

the Declaration of the Rights of Man. “I don’t see how a simple declaration can change the nature of rights,” he said in opposition to Mirabeau’s resolution calling for expropriation.<sup>1458</sup>

In addition, recall that Burke in *Thoughts and Details* championed the notion that an Invisible Hand-like phenomenon—what he had called the “benign and wise disposer of all things”<sup>1459</sup>—guided the natural circulation of free economic activities toward promoting the common good. Market exchange allowed for the providential ordering of goods and services. More so, Burke’s endorsement of commercial liberty between nations, most famously in the case of Ireland and England, revealed his conviction that liberal trade benefits both parties. And remember Burke stated in *Reflections* that man had a “right to the fruits of their industry and to the means of making their industry fruitful.”<sup>1460</sup> Burke also held that voluntary exchange can promote commercial virtue and harmony between strangers.

Consider, then, the French Revolution. It was inspired in part by the idea that natural economic activity was hindered by the abuse of government regulations and granting of special privileges. The draft of the Declaration of the Rights of Man presented on 17 August 1789 stated that each citizen had the right to “acquire, possess, manufacture and sell, and use his abilities and skills...as he pleases.”<sup>1461</sup> Besides the phrase “as he pleases,” which suggests an air of license, Burke certainly would agree with the principle that the individual had a right to acquire, possess, manufacture, and sell market goods, as he stated explicitly in *Reflections*. More so, the final document of the Declaration of the Rights of Man avowed that property is an “inviolable and sacred right,” in Article XVII, and that the “natural and imprescriptible

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<sup>1458</sup> Schama, *Citizens*, 485.

<sup>1459</sup> Langford, *Writings and Speeches*, IX, 125.

<sup>1460</sup> Langford, *Writings and Speeches*, VIII, 110.

<sup>1461</sup> Vardi, “Abolition of the Guilds,” 712.

rights of man” include “liberty” and “property.”<sup>1462</sup> Indeed, Burke lays far more emphasis on the authority of prescription in his conception of the right to property. But, as demonstrated, he also believed that private property held a sacred quality that should not be breached. Therefore, though not substantial, there is more overlap between Burke’s economic ideas and Jacobin strands of thought than he lets on.

So what if Burke’s economic ideas converged with Jacobins on particular points? First, it complicates the conventional interpretation pitting Burke wholly against the French Revolution. Second, it illuminates Burke’s sympathy with particular Enlightenment ideas of political economy that did not gain traction in the Middle Ages. Third, under the assumption that Jacobinism was the dawn of a new era of enlightenment, it weakens the portrayal of Burke as a blind conservative reactionary.

In the end, Burke’s political economy of the French Revolution blends elements of secular classical liberalism with an appreciation for the medieval foundations that encouraged the steady growth of commerce in modernity. Man has a right to keep the fruits of one’s industry. But if this right transforms into the imposition of abstract equality, private property becomes threatened. Hence constitutional liberty—not to mention commercial liberty—is in jeopardy.

And so is the humanity of man. In *Reflections*, Burke anticipates Arendtian anxieties about the menace of instrumentality in modernity, the allure of refashioning individuals into lifeless objects to be wielded on behalf of the state. Burke lends a dignity to the market activity of the farmer and laborer, but cautions that the radical monetization of all social

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<sup>1462</sup> “Declaration of the Rights of Man – 1789,” *Avalon Project, Yale Law School*, accessed January 2, 2017, [http://avalon.law.yale.edu/18th\\_century/rightsof.asp](http://avalon.law.yale.edu/18th_century/rightsof.asp).

relationships would presage the descent of human beings into a dark abyss of dehumanization. The essence of man would be crushed.



## Chapter 8: Burke, India, and the East India Company

### a. Introduction

Burke's discussion of political economy thus far has addressed European markets—those in Britain, Ireland, France, the British West Indies, and the American colonies. Nevertheless, his economic analysis touched upon non-European economies, most notably in India, and was part of Burke's larger critique of British imperial policy in the latter half of the eighteenth century. This critique is most famous for Burke's scathing rebuke of the rule of Warren Hastings, the *de facto* Governor General of India. Burke's crusade against Hastings has attracted a wide variety of attention for the questions it raised about the limits of the British Empire. But Burke's *economic* thoughts on the geopolitical relationship between Britain and India, the focus of this chapter, continue to be underexplored.

Burke's economic analysis was driven largely by his critical treatment of Britain's East India Company.<sup>1463</sup> The Company was a joint-stock company that obtained its royal charter in 1600 under Queen Elizabeth I.<sup>1464</sup> It held exclusive commercial privileges<sup>1465</sup>

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<sup>1463</sup> The following sources were used for the historical background of the Company: Frederick G. Whelan, *Edmund Burke and India: Political Morality and Empire* (Pittsburgh: University of Pittsburgh Press, 1996); Emily Erikson, *Between Monopoly and Free Trade: The East India Company, 1600-1757* (Princeton, NJ: Princeton University Press, 2014); Langford, *Writings and Speeches*, V, 1-27; Philip Lawson, *The East India Company: A History* (London: Routledge, 2013); H.V. Bowen, Margarete Lincoln, and Nigel Rigby, eds., *The Worlds of the East India Company* (Suffolk, UK: The Boydell Press, 2006); Huw V. Bowen, "The 'Little Parliament': The General Court of the East India Company, 1750-1784," *The Historical Journal* 34 (1991): 857-872; Bourke, *Empire & Revolution*, 334-38; Lock, *Edmund Burke*, vol. I, 235-36; Lock, *Edmund Burke*, vol. II, 31; and Smith, *Wealth of Nations*, vol. II, 746-58.

<sup>1464</sup> One company enjoyed trading privileges until 1698, when a competitor was formed by charter. In 1709 they were officially consolidated to form the *United Company of Merchants of England trading to the East Indies*. It formally became a joint-stock company in 1613.

<sup>1465</sup> Note that Queen Elizabeth could not legally grant the Company a true monopoly over trade. See Erikson, *Between Monopoly and Free Trade*, vii.

between Britain and the Far East, and was typically seen as a safe investment, offering a regular dividend of six percent to shareholders.<sup>1466</sup> The institution's executive body was the Court of Directors, which consisted of twenty-four members. They were elected by, and from, the Court of Proprietors, the group of the company's prominent shareholders. The Company controlled small territories in the seventeenth and early eighteenth centuries, but its political and military orbit was constrained and tame. In 1757, however, Colonel Robert Clive and the Company defeated Siraj-ad-daula, the Nawab<sup>1467</sup> of Bengal, and his French allies in the Battle of Plassey during the Seven Years War. As a result, the Company acquired substantial political and territorial power in Bengal, the eastern region in the Indian subcontinent, and positioned itself to be a domineering force in the region.

The Treaty of Allahabad on 16 August 1765 entrenched the East India Company's footing in Bengal. The treaty formally recognized the Company as the authority responsible for revenue administration, or *divani*, in Bengal, whose annual receipts were approximately £2 million. The Company now wielded power over a territory larger than England and with a population of up to twenty million.<sup>1468</sup> The Company's swift political ascent was matched by its widening military footprint: the total number of regular troops under the corporation's rule in India rose from 3,000 in 1749 to 26,000 by 1763.<sup>1469</sup> By 1778, its military commanded more troops than the British army in peacetime.<sup>1470</sup>

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<sup>1466</sup> Lock, *Edmund Burke*, vol. I, 235.

<sup>1467</sup> A nawab was the honorific title granted by the Mughal emperor to quasi-independent Muslim governors in India.

<sup>1468</sup> Lock, *Edmund Burke*, vol. II, 31.

<sup>1469</sup> Gerald Bryant, "Officers of the East India Company's Army in the Days of Clive and Hastings," *The Journal of Imperial and Commonwealth History* 6 (1978): 203.

<sup>1470</sup> Bryant, "Officers of the East India Company's Army in the Days of Clive and Hastings," 203.

Extending into the early 1760s, the British government and the East India Company had forged a placid relationship, both impelled to fulfill the obligations of the Elizabethan charter. Yet the Seven Years War that ended in 1763 had produced a significant increase in Britain's national debt. Consequently, Lord Chatham shifted his eyes toward the corporation, in the hope that a parliamentary investigation into its financial practices would result in the Company contributing to Britain's public coffers. Chatham was aware that such a proposal was politically attractive to MPs who were concerned about the increased presence of "nabobs" in British politics. Nabobs, affluent East India Company servants suspected of obtaining their wealth in India through nefarious means, returned from the subcontinent and brandished their new riches to expand their electoral and social influence in England. Clive was only one of the more conspicuous nabobs; in the twenty years after 1760, between two hundred and three hundred of them<sup>1471</sup> arrived in Britain.

With this sketch we can begin to understand the historical context for Burke's study of Indian affairs. Burke had been an observer of India even before he entered Parliament in 1766. In 1758, he was confident enough to disagree with distinguished Tory Samuel Johnson over an issue relating to India.<sup>1472</sup> While serving in the House of Commons, he acquired a deep reservoir of knowledge about the country. By 1785, writes P.J. Marshall, he "almost certainly knew more about India than did any other man in public life who had not actually been there."<sup>1473</sup> Burke had become an undisputed authority on British-India relations in Parliament.

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<sup>1471</sup> Philip Lawson and Jim Phillips, "Our Execrable Banditti": Perceptions of Nabobs in Mid-Eighteenth Century Britain," *Albion* 16 (1984): 227.

<sup>1472</sup> Langford, *Writings and Speeches*, V, 2.

<sup>1473</sup> Langford, *Writings and Speeches*, V, 1.

What were Burke's general views on the relationship between Britain and India? First, he held that the right of conquest granted Britain the authority to govern and acquire wealth in the Asian territories. Nevertheless, similar to his view of British relations with the American colonies, he contended that with this right came the moral obligation to rule with a benevolent touch. More so, Burke defended the East India Company as a legitimate institution, backed by its royal charter, that possessed the legal right to operate and trade in India. The Company should confer advantages to the British Empire, he maintained, but it should also respect the local customs and traditions of native Indians.

Burke's beliefs about the institutional and moral integrity of the East India Company evolved over time. In the late 1760s and early 1770s, as more reports from India of the corporation's activities reached London, the British government became increasingly conscious of the Company's growing mismanagement in the subcontinent. The institution had further plunged into severe financial difficulty. Efforts at reforming the Company coalesced in Lord North's Regulating Bill of 1773, which tightened ministerial control over the Company's administration. It installed Warren Hastings as the Governor General of Bengal, gave him political authority over the presidencies of Madras and Bombay, and established a Supreme Court in Calcutta.

Burke opposed North's bill. He argued, with exaggeration, that the reform effort would fuel ministerial corruption and aggrandize royal power. Burke defended the Company on its individual merits, claiming that it should simply reassert its independent privileges and recover its chartered liberties. That Burke was in the parliamentary opposition most likely also influenced his resistance to the legislation. Following the bill's passage, however, Burke became progressively aware of the Company's sharpening rapacity. He realized that the Company itself would not be able to carry out the reforms necessary to ameliorate its

financial difficulties and stop its political oppression of Indian natives. In the end, Burke turned out to be one of the corporation's most strident antagonists in Parliament.

Burke was presented with an opportunity to influence Indian affairs when he was appointed to a Select Committee in the House of Commons in 1781. The task of the Committee was to clarify the role of the Supreme Court in Calcutta, in light of petitions from the East India Company and British inhabitants of Calcutta that the Court had abused its powers. The Committee's recommendations were included in a bill written primarily by Burke (and changed substantially by the House of Lords), called the Bengal Judicature of 1781, that defined the constraints of the Court's authority. Not only did the bill signify one of Burke's rare lawmaking triumphs, but Burke's place on the Select Committee also positioned himself to deepen his commitment to investigating British rule in India. The committee's research confirmed reports of the rampant misconduct of the Company.<sup>1474</sup>

The Select Committee disbanded and then was recreated in December 1781, filing eleven reports from February 1782 to 1783 on British imperial rule in South Asia.<sup>1475</sup> Burke emerged as its most knowledgeable and passionate student of Indian affairs. It was in this committee that some of Burke's most perceptive insights into the political economy of India gain expression, as captured in *Ninth Report of Select Committee* (1783) and *Eleventh Report of Select Committee* (1783). In addition to these reports, Burke presents keen economic commentary on British-India relations in *Speech on Fox's India Bill* (1783) and *Speech on Nabob*

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<sup>1474</sup> Burke was further convinced of the need to reform the East India Company after Haidar Ali, the ruler of Mysore in southern India, invaded the Carnatic. To address this development, North created another Select Committee, headed by Henry Dundas, that called for additional ministerial oversight of the Company. See Lock, *Edmund Burke*, vol. II, 35.

<sup>1475</sup> Lock, *Edmund Burke*, vol. II, 35.

of *Arvot's Debts* (1785), and in his various speeches on Hastings' impeachment proceedings. All of these writings and speeches will be referenced below.

Burke's study of the East India Company and India coincided with possible financial conflicts of interest, perhaps more so than in any other political activity in which he engaged. In late 1766, when Burke was arguing in Parliament that the Company should be protected from ministerial intervention, he was, at the same time, implicated in a financial arrangement devised by Lord Verney<sup>1476</sup> and Will Burke<sup>1477</sup> that speculated heavily in East India Company stock. Both Verney and Will suffered heavy losses after the market crashed in 1769, in turn compromising Burke's finances due to the common purse between Burke and Will.<sup>1478</sup> Following this financial calamity, Will sought to recover his losses by serving as an agent for the Raja of Tanjore in the late 1770s and early 1780s. He most likely received an annual salary of £8000 for his service.<sup>1479</sup> Burke's financial ties to Will raised a cloud of suspicion that Burke himself was a paid agent of the Raja.<sup>1480</sup>

Burke's fortunes became directly linked to the success of the East India Company in October 1780, when he bought £1000 worth of Company stock.<sup>1481</sup> (Eight years earlier, Burke had been offered a position by the institution to lead a commission in India to reform

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<sup>1476</sup> Verney helped secure Burke's seat for Wendover in Parliament in 1766.

<sup>1477</sup> Will Burke was Burke's distant relative and close friend.

<sup>1478</sup> Lock, *Edmund Burke*, vol. I, 236-37.

<sup>1479</sup> Langford, *Writings and Speeches*, V, 10. Tanjore was a fertile, quasi-independent state that had been occupied by the East India Company and transferred to the Nawab of the Carnatic in 1773. London directors ordered Lord Pigot, the newly installed governor of Madras, to return Tanjore to the Raja. Pigot fulfilled this task. The Madras Council, however, removed his authority, motivated by the underlying hope that placing Tanjore under the Nawab's control would make it easier for him to pay off his debts to the Company. See Langford, *Writings and Speeches*, X, 11-13; Whelan, *Edmund Burke and India*, 111-12; Bourke, *Empire & Revolution*, 516; and Lock, *Edmund Burke*, vol. II, 38.

<sup>1480</sup> Langford, *Writings and Speeches*, V, 10.

<sup>1481</sup> Lock, *Edmund Burke*, vol. I, 485.

the corporation's misrule in Bengal, but he turned it down.<sup>1482</sup>) His investment permitted him to participate in Company proceedings and vote in the Court of Proprietors.<sup>1483</sup> Burke sold his stake in the corporation in February 1782.<sup>1484</sup> Note also that Burke served as Paymaster of the Forces two separate times in the early 1780s under the second Rockingham administration and the Fox-North coalition.<sup>1485</sup>

One must be alert to these possible conflicts of interest when considering Burke's assessment of British-Indian relations. But it would be wrong to impute sinister motives behind his shifting positions on the East India Company in his career. Even with his financial connections, it is far from clear that Burke stood to gain substantially from Will Burke's agency.<sup>1486</sup> More important is that Burke, in his commentary on India, displays a command of economic principles that reflects his earlier and later statements on the virtues of market economies, suggesting that his effort to restore the Company on firm financial footing was motivated by principles beyond pecuniary self-interest. Furthermore, Burke offers new windows into his thinking on commercial monopoly and merchants that he does not explore with similar rigor in his other writings and speeches. The most significant development of Burke's economic thought in regard to British India, however, is his sharp articulation of the consequences when political power and economic power merge.

#### **b. *Ninth Report I: Markets and the Perversion of Supply and Demand Laws***

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<sup>1482</sup> Lock, *Edmund Burke*, vol. I, 334.

<sup>1483</sup> See Bowen, "The 'Little Parliament,'" 865n38.

<sup>1484</sup> Lock, *Edmund Burke*, vol. I, 485.

<sup>1485</sup> Bourke, *Empire & Revolution*, 18.

<sup>1486</sup> Langford, *Writings and Speeches*, X, 10.

Burke's knowledge on the British-Indian relationship achieves a depth of expression in *Ninth Report of Select Committee*, written when he served on the Select Committee in India. Burke was widely acknowledged by contemporaries to be the primary author of the report.<sup>1487</sup> Brimming with historical data and empirical information, *Ninth Report* provides a sweeping political analysis of Britain's governing presence in India. Yet its most important quality for the purposes of this dissertation is its comprehensive study of the economic impact of the East India Company on Indian trading markets. As the report wrote, the Company's "Commerce," as well as the British government over native Indians, were the "Two great links" that maintained the connection between Britain and India.<sup>1488</sup> Burke recognized that grasping their economic link was essential to understanding their political relationship.

*Ninth Report* offers interpretive advantages that *Thoughts and Details* and some of Burke's other statements on political economy do not. Although the study, like Burke's other economic writings, addresses a particular historical circumstance, its large scope suggests a drawn out, carefully considered analysis of the problem at hand. It appears to have required long reflection and preparation. Furthermore, Burke intended the report to be accessible for public consumption; as he wrote, the Committee attempted to write it in "plain and popular Language..."<sup>1489</sup> These reasons perhaps explain why the tone of *Ninth Report* is more dispassionate than *Reflections*; the former was an official government report intended to be referenced for objective analysis and empirical data on British India, in contrast to Burke's invective-laden letter on the French Revolution. In addition, *Ninth Report* considers profound

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<sup>1487</sup> See Langford, *Writings and Speeches*, V, 194.

<sup>1488</sup> Langford, *Writings and Speeches*, V, 222.

<sup>1489</sup> Langford, *Writings and Speeches*, V, 197.



questions beyond supply and demand laws, such as the geopolitical relationship between an imperial power and its native subjects, that in some ways offers a deeper window in Burke's economic thought than *Thoughts and Details*. In short, the report is one of Burke's most wide-ranging statements on the subject of political economy, and yet his specific arguments about the nexus between market principles and the economic conditions of British India tend to be neglected.

*Ninth Report* signals its embrace of market principles early in the study. Prior to the East India Company's assumption of *diwani* responsibilities in 1765, the report notes, trade between India and Europe was governed by the natural rhythm and flow of supply and demand laws. The "trade with India was carried on upon the common Principles of Commerce, namely, by sending out such Commodities as found a Demand in the India Market; and where that Demand was not adequate to the reciprocal Call of the European Market for Indian Goods, by a large annual Exportation of Treasure, chiefly in Silver."<sup>1490</sup> European nations returned the favor by selling silver to traders in India. Such vibrant commercial relations were evidence of Europe's high regard for the Indian economy, and their reciprocal flavor further fostered economic development in native lands. "This Influx of Money poured into India by an Emulation of all the Commercial Nations of Europe encouraged Industry, and promoted Cultivation in a high Degree," the report states, even while acknowledging the wars fought on Indian soil and the corruption of local governance.<sup>1491</sup>

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<sup>1490</sup> Langford, *Writings and Speeches*, V, 222.

<sup>1491</sup> Langford, *Writings and Speeches*, V, 222-23.

Yet Mir Kasim Ali Khan,<sup>1492</sup> the second nawab of Bengal, noticed that Indians were still being “excluded as Aliens”<sup>1493</sup> from their trade, and that the revenue of princes were discouraged by the commercial domination of the British. Khan then annulled all duties on trade, thereby placing natives on the same level playing field as Europeans. *Ninth Report’s* response to this measure evinces Burke’s disgust of monopoly and endorsement of markets: “Never was a Method of defeating the Oppressions of Monopoly more forcible, more simple, or more equitable.”<sup>1494</sup> This appraisal hints at Burke’s later discussion in *Ninth Report* about the economic steps necessary to relieve Indians of their misery.

The natural circulation of goods was perverted by the East India Company’s arbitrary exercise of authority over territorial revenue in Bengal. Previously the Company had imported bullion from Europe to invest in its Indian trade. But starting in 1758, and fueled by assuming the power of *divani* in 1765, the Company, facing a sharp credit crisis in East India, increasingly exploited its political power to use surplus *revenue* as investments into its commercial enterprise.<sup>1495</sup> As *Ninth Report* explains, “A new Way of supplying the Market of Europe, by means of the British Power and Influence, was invented...”<sup>1496</sup> Revenue was seen as a means to stimulate trade, rather than free trade as a source to create revenue. This scheme upset the supply and demand principles of the Indian economy. While goods traded from Europe to India benefited the Europeans in Bengal, “no Sort of Merchandize”—

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<sup>1492</sup> *Ninth Report* spells his name Cossim Ali Khan.

<sup>1493</sup> Langford, *Writings and Speeches*, V, 245.

<sup>1494</sup> Langford, *Writings and Speeches*, V, 245.

<sup>1495</sup> C.A. Bayly, *The New Cambridge History of India*, vol. II: *Indian Society and the Making of the British Empire* (Cambridge: Cambridge University Press, 2002), 53.

<sup>1496</sup> Langford, *Writings and Speeches*, V, 223.

beyond commodities with low value, like copper utensils—was “sent from England that is in Demand for the Wants or Desires of the Native Inhabitants.”<sup>1497</sup>

One “pernicious”<sup>1498</sup> effect of the East India Company’s revenue-for-investment scheme was the erosion of market reciprocity. Because of the Company’s coercive control of trade, Indian natives did not receive advantages from the corporation’s use of their goods for export. “[T]he whole exported Produce of the Country (so far as the Company is concerned) is not exchanged in the Course of Barter; but is taken away without any Return or Payment whatsoever,” *Ninth Report* states.<sup>1499</sup> It continues: “In a Commercial Light therefore, England becomes Annually Bankrupt to Bengal, to the Amount nearly of its whole Dealing; or rather, the Country has suffered what is tantamount to an Annual Plunder of its Manufactures and its Produce to the Value of Twelve hundred thousand pounds.”<sup>1500</sup> *Ninth Report* even makes a point to deny that this economic relationship resembled the free circulation of goods: it was “Intercourse (for it is not Commerce)...”<sup>1501</sup> For Burke, voluntary barter allowed both traders to gain from the transaction. Because Indians did not have the freedom to negotiate recompense for their goods, they were deprived of the fruits of their trade.

The East India Company’s constant use of revenue to purchase goods to export to England created the appearance in Britain of a prosperous corporation and an affluent India. The reality was that the Company was draining wealth from natives. Referring to its revenue-for-investment scheme, Burke writes that “this main Cause of the Impoverishment

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<sup>1497</sup> Langford, *Writings and Speeches*, V, 226.

<sup>1498</sup> Langford, *Writings and Speeches*, V, 226.

<sup>1499</sup> Langford, *Writings and Speeches*, V, 226.

<sup>1500</sup> Langford, *Writings and Speeches*, V, 226.

<sup>1501</sup> Langford, *Writings and Speeches*, V, 226.

of India has been generally taken as a Measure of its Wealth and Prosperity.”<sup>1502</sup> Exceeding confidence in the Company led to inflated stock prices, contributing to the bubble that led to the Company’s financial crash of 1769, from which Will Burke and Lord Verney had suffered.

Burke’s beliefs about the virtues of free markets already begin to emerge in these early comments in *Ninth Report*. Free exchange produces benefits to both parties involved in the deal. Supply and demand laws reconcile a diversity of market wants into a synthesis of interest. Traders from different socioeconomic and cultural backgrounds can all gain from market liberty. Such insights are consistent with Burke’s advocacy of the Anglo-Irish trade bills in the late 1770s. But in this case, in Burke’s judgment, the East India Company’s attempt to stimulate investment through revenue collapsed all of these principles.

*Ninth Report* even acknowledges that the East India Company, before it assumed the political authority to collect territorial revenue in Bengal, did not operate in a pristine free market environment *in Britain*. “[T]he System of the Company’s Commerce was not formed upon Principles the most favourable to its prosperity...” the report avers.<sup>1503</sup> Although it received sanction from royal, and parliamentary, charters, the Company was met with an “invidious Jealousy”<sup>1504</sup> that threatened Britain’s national interest. Hence the country attempted to frustrate the corporation’s most lucrative trade items; under William III and George I, the British government banned foreign imports of silk stuffs and stained and painted cottons.<sup>1505</sup> “The British Market was in a great Measure interdicted to the British

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<sup>1502</sup> Langford, *Writings and Speeches*, V, 223.

<sup>1503</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1504</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1505</sup> Langford, *Writings and Speeches*, V, 241.

trader,” *Ninth Report* states.<sup>1506</sup> Furthermore, East Indian traders were “undoubtedly injured”<sup>1507</sup> by the restrictions.

Price controls and export regulations also prevented the East India Company from trading in a truly free market before 1765. The corporation was “obliged to furnish the Ordnance with a Quantity of Saltpetre at a certain Price, without any Reference to the Standard of the Markets either of Purchase or of Sale.”<sup>1508</sup> More so, the Company was “obliged to export annually a certain Proportion of British Manufactures, even though they should find for them in India none, or but an unprofitable Want.”<sup>1509</sup> The report notes that this situation might have been worse than a tax; while a tax typically harmed the consumer more than the vendor, in this case the vendor—the East India Company—was burdened by the export mandate.<sup>1510</sup> The significance of *Ninth Report*’s analysis is that, much like its investigation into the Company after 1765, the standard by which it assesses desirable economic conditions before 1765 is the level of market freedom that existed. The more the free market allows the East India Company to benefit from supply and demand laws, the better. The less the free market operates, the worse. The fingerprints of Burke’s support for economic liberalism are evident throughout *Ninth Report*.

Burke details the laws of profit and loss thoroughly in his analysis of British-Indian economic relations. In *Ninth Report*, Burke explains that these principles were subverted by Britain’s trade restrictions, which undermined the incentive to trade. “The Spirit of all these Regulations naturally tended to weaken, in the very original Constitution of the Company,

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<sup>1506</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1507</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1508</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1509</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1510</sup> Langford, *Writings and Speeches*, V, 241.

the main spring of the Commercial Machine, the *Principles of Profit and Loss*,” he writes.<sup>1511</sup> A “Mischief” that unfolded from rejecting those economic principles continued to rise “with the Increase of its Power.”<sup>1512</sup> Burke is associating the dissolution of free markets with the augmentation of the East India Company’s power. Commercial freedom afforded the Company the opportunity to reap material benefits from the operation of market principles. But this salutary environment to trade did not inject the corporation with the *political* might to oppress. Only when the Company gained power did those commercial principles decay.

Notice also that Burke associates commercial freedom with both profit *and* loss. This is more telling than it first appears: he exhibits an awareness that market activity involves the potential for gain and the possibility of risk. Not all traders earn a lucrative profit. Markets are delicate creatures, for the opportunity to earn money also means the prospect of squandering it. These bitter realities were especially pertinent in the case of the East India Company. *Ninth Report* discusses how, in the four-year span it studied, the East India Company suffered a substantial financial loss from its revenue investment in Bengal, while its trading activity in other regions was more lucrative.<sup>1513</sup> Once again, Burke apprehends that there was an inverse relationship between commercial success and political control. “[A]s the Power and Dominion of the Company was less, their Profit on the Goods was greater,” he states in describing the observations from traders in jurisdictions other than Bengal.<sup>1514</sup> The insinuation is that the preservation of market principles allowed trading outside Bengal to flourish.

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<sup>1511</sup> Langford, *Writings and Speeches*, V, 241.

<sup>1512</sup> Langford, *Writings and Speeches*, V, 241-42.

<sup>1513</sup> Langford, *Writings and Speeches*, V, 243.

<sup>1514</sup> Langford, *Writings and Speeches*, V, 243.

According to *Ninth Report*, once the East India Company assumed sovereign rights in Bengal, the institution did not face the inherent incentives and constraints of a typical market economy. "...[I]t was not to be expected that the Attention to Profit and Loss would have encreased," Burke writes.<sup>1515</sup> He continues:

The idea of remitting Tribute in Goods, naturally produced an Indifference to their Price and Quality; the Goods themselves appearing little else than a Sort of Package to the Tribute. Merchandize, taken as Tribute, or bought in lieu of it, can never long be of a Kind, or of a Price fitted to a Market, which stands solely on its Commercial Reputation. The Indifference of the Mercantile Sovereign to his Trading Advantages, naturally relaxed the Diligence of his subordinate Factor-Magistrates, through all their Gradations and in all their Functions; it gave Rise, at least so far as the Principal was concerned, to much Neglect of Price and of Goodness, in their Purchases.<sup>1516</sup>

The East India Company's use of surplus revenue to buy Indian products at artificial prices (or through tribute) to export, an activity that operated outside of traditional supply and demand laws, encouraged a blithe British attitude indifferent to the real market value of the acquired goods. The Company's political and economic monopoly reduced the incentive for English traders to be attentive to the quality of products. Commercial reputation could not the remedy this distortion of market laws.

Who ultimately benefitted from this economic arrangement? "The Company might suffer above, the Natives might suffer below; the intermediate Party must profit to the Prejudice of both," *Ninth Report* states.<sup>1517</sup> This intermediate party, Burke suggests, was the collection of factor-magistrates. If they did, in fact, show "Accuracy and Selection" in trading the goods, their decisions would "naturally be in Favour of that Interest to which they could not be indifferent"—themselves.<sup>1518</sup> Neither the Company nor the local Indian

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<sup>1515</sup> Langford, *Writings and Speeches*, V, 242.

<sup>1516</sup> Langford, *Writings and Speeches*, V, 242.

<sup>1517</sup> Langford, *Writings and Speeches*, V, 242.

<sup>1518</sup> Langford, *Writings and Speeches*, V, 242.

population ultimately gained advantages from such a trading environment in which supply and demand laws were disrupted.

*Ninth Report's* critique of the East India Company's corruption of free market principles is expressed in two specific examples: the market for raw silk and the market for piece goods, or textiles. The Company did not impose formal monopolies on these trades, but, as the report notes, its manipulation of the competitive price system painfully hampered their manufacturing capabilities in Bengal. The corporation fixed prices, raised the cost of textile production for natives, and forced natives to work in the textile industry, all to the detriment of the local Indian artisan and merchant.

The raw silk trade was an egregious example of Britain's exploitation of markets. Little demand existed in England for the indigenous country wound silk made in India, so the East India Company concentrated on the raw silk industry. In exploiting the powers of the Bengali presidency, the corporation used the incentive of high wages to compel existing wrought silk producers to leave their jobs and work for Company's raw silk manufacturers. It further increased the prices of the manufacturing materials to restrict competition from other merchants and European competitors. "A double Bounty was thus given against the Manufactures, both in the Labour and in the Materials," *Ninth Report* states.<sup>1519</sup>

The East India Company's heavy investment in the raw silk trade generated high prices and a decline in quality of Indian manufactures, leading to their demise: "By the Increase of the Price of this and other Materials, Manufactures, formerly the most flourishing, gradually disappeared under the protection of Great Britain..."<sup>1520</sup> Forced to abandon their manufacturing businesses, natives would be hired to work for the Company.

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<sup>1519</sup> Langford, *Writings and Speeches*, V, 253.

<sup>1520</sup> Langford, *Writings and Speeches*, V, 254.



Ostensibly they were to receive higher wages paid from territorial revenue, but in reality they suffered under arduous working conditions without enjoying the fair benefits of their labor.

“The manufacturing Hands were to be seduced from their Looms by high Wages, in order to prepare a raw Produce for our Market; they were to be locked up in the Factories...”

reports *Ninth Report*.<sup>1521</sup> The commodity would be “carried out of the Country, whilst its Looms would be left without any Material but the debased Refuse of a Market enhanced in its price, and scantied in its Supply.”<sup>1522</sup>

The animating economic impulse of the East India Company was to squelch market competition. Beyond the aforementioned evidence, the corporation compelled the Presidency of Madras to raise prices on goods to discourage foreign trade, and restricted the weavers of Culladore from producing cloths of the same kind that the East India Company used to trade. These measures enabled rapacious servants of the Company “to buy at an advanced price,” which “did of Necessity furnish Means and Excuses for every sort of Fraud in their Purchases.”<sup>1523</sup> The servant could overbid the market or send goods to his master, who would then sell it at a loss overseas.<sup>1524</sup> These artificial prices, the report notes, would fuel speculation, a particularly odious consequence in markets that functioned far apart from one another.<sup>1525</sup>

What, then, was the general process through which the East India Company bent supply and demand laws out of shape to the detriment of natives? The Company would coerce natives into selling their goods at artificially low prices. Company middlemen would

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<sup>1521</sup> Langford, *Writings and Speeches*, V, 254.

<sup>1522</sup> Langford, *Writings and Speeches*, V, 254.

<sup>1523</sup> Langford, *Writings and Speeches*, V, 255.

<sup>1524</sup> Langford, *Writings and Speeches*, V, 256.

<sup>1525</sup> Langford, *Writings and Speeches*, V, 256.

buy these goods and reap a substantial profit. They would then try to sell the products in London and European markets at dear prices, but would struggle to do so because of their low quality. (Remember, as stated earlier, that British middlemen did not demonstrate sufficient concern for the condition of goods they bought from Indians.) Those goods, therefore, would not make a profit overseas. *Ninth Report* indicts the East India Company as the single culprit that set in motion this process to advance its commercial self-interest at the expense of the Indian merchant and artisan.

Burke notes, however, that the East India Company, as well as the indigenous population, became deprived of economic benefits. By inhibiting the private silk industry, the Company harmed the raising and collection of revenue from taxes: “Whatsoever, by Bounties or Immunities, is encouraged out of a Landed Revenue, has certainly some Tendency to lessen the net Amount of that Revenue, and to forward a Produce which does not yield to the gross Collection rather than one that does.”<sup>1526</sup> The Company kept incurring losses, finally recognizing its raw silk enterprise to be self-defeating, and then relinquished it in private hands. In outlining this process, Burke is showing his awareness of the phenomenon of unintended consequences stemming from the Company’s counterproductive investment in raw silk.

*Ninth Report’s* discussion of the oppressed state of native middlemen dealers in Dhaka reinforces the report’s condemnation of the Company’s monopolistic practices. Indian middlemen, called *dalals*, had benefited from the prosperous cotton piece goods industry in the city before the corporation had asserted its presence in the area. The Company, however, accused *dalals* of charging high prices for the items. Subsequently,

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<sup>1526</sup> Langford, *Writings and Speeches*, V, 254.

Richard Barwell, the head of the Dhaka trading post for the Company, imposed a policy in 1774 that tightened control over weavers in order to effectively extinguish *dalals*, a ramification that also hurt European merchants unaffiliated with the Company.<sup>1527</sup>

Similar to its analysis of the Bengali economy, *Ninth Report* observes that trade in Dhaka had prospered in the past. It was a city “once full of opulent Merchants and Dealers of all descriptions.”<sup>1528</sup> Yet Barwell’s policy, leading to price fixing and control of the cotton trade, led to a “most violent and arbitrary Power over the Whole.”<sup>1529</sup> The East India Company would force weavers to assume high levels of debt, in turn making them servile to the corporation’s agents; then the agents would seize their goods and imprison them.<sup>1530</sup> The broader economic concern was that Barwell’s measure restricted *competition*: “Where there is not a vigorous Rivalship, not only tolerated but encouraged, it is impossible ever to redeem the Manufactures from the Servitude induced by those unpaid Balances.”<sup>1531</sup> Competition fuels commercial production, which would aid Indians in getting out of debt.

The themes of Burke’s political economy evident in *Ninth Report*’s treatment of Barwell’s policy align with his other commentary in praise of market economies. A free market in cotton goods produces economic prosperity not just for middlemen but for Dhaka as a whole. Indian traders should not be pilloried for seeking their self-interest in market economies. For Burke, competition is not a sinister force for individual evil but a salutary instrument for general affluence. These currents in his economic thought anticipate *Thoughts and Details*’ stress on the merits of a free circulation of provisions. *Ninth Report*’s defense of

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<sup>1527</sup> See Langford, *Writings and Speeches*, V, 259n1.

<sup>1528</sup> Langford, *Writings and Speeches*, V, 259.

<sup>1529</sup> Langford, *Writings and Speeches*, V, 259.

<sup>1530</sup> Langford, *Writings and Speeches*, V, 259-60.

<sup>1531</sup> Langford, *Writings and Speeches*, V, 268.

Dhaka traders also echoes Burke's vindication of English middlemen in the economic tract for performing a crucial role in the efficient allocation of resources. Material acquisition is a defensible, indeed laudatory, goal when pursued in a climate of market competition.

*Ninth Report's* recommendation to remedy the situation in Dhaka marries Burke's embrace of market freedom with his instinct for prudence. "To make a sudden Change...might destroy the few Advantages which attend any Trade," the report states, "without securing those which must flow from one established upon sound Mercantile Principles, whenever such a Trade can be established."<sup>1532</sup> Therefore, Indian trade should be released from the cold grasp of the East India Company, but in a gradual manner. "The Revival of Trade in the Native Hands is of absolute Necessity...it will rather be the Effect of a regular progressive Course of Endeavours for that Purpose, than of any one Regulation, however wisely conceived," *Ninth Report* insists.<sup>1533</sup> Burke's message is loud and clear: return economic freedom to Indian dealers, in an incremental yet steady manner.

### c. *Ninth Report II: Monopoly*

In addition to the subversion of supply and demand laws, *Ninth Report* draws attention to the menace of monopoly in British India. According to Burke, because the East India Company enjoyed political sovereignty, it could act rapaciously toward the native Indian population with little consequence. Yet the corporation's political monopoly also imposed an *economic* monopoly on domestic Indian markets through its complete control

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<sup>1532</sup> Langford, *Writings and Speeches*, V, 269.

<sup>1533</sup> Langford, *Writings and Speeches*, V, 269. This insight is reminiscent of Burke's statement to Adam Smith regarding the repeal of middlemen trading practices that "legislators must proceed by slow degrees" to achieve economic freedom. See "The 1772 Repeal of Statutes Banning Forestalling, Regrating, and Engrossing," Chapter 5.

over the local supply of goods in Bengal. For Burke, this economic monopoly inflicted heavy punishment on natives by injuring Indian trade and thwarting the economic prosperity of the region.

*Ninth Report* first explains how, even before the Treaty of Allahabad in 1765, when the East India Company assumed complete responsibility for revenue administration, Indian trade was marred by the disturbance of local free markets.

After the Battle of Plassey in 1757, the Company's servants "obtained a mighty Ascendant over the Native Princes of Bengal..."<sup>1534</sup> Abusing their exemption to customs, the servants' "Immunity began to cover all the Merchandize of the Country."<sup>1535</sup> In effect, local Indian traders were excluded from dealing in their own economies, while the Company's traders controlled the buying and selling of goods.

Hence *Ninth Report* lambastes the East India Company for cementing *de facto* monopolistic practices into Indian industries:

The Servants therefore, for themselves, or for their Employers, monopolized every Article of Trade, Foreign and Domestic; not only the raw Merchantable Commodities, but the Manufactures; and not only these, but the Necessaries of Life, or what, in these Countries, Habit has confounded with them; not only Silk, Cotton, Piece Goods, Opium, Saltpetre, but not unfrequently Salt, Tobacco, Betel Nut, and the Grain of most ordinary Consumption. In the name of the Country Government they laid on or took off, and at their Pleasure heightened or lowered, all duties upon Goods...<sup>1536</sup>

The East India Company was able to dictate the price and circulation of commodities, and to determine their level of taxation at the whim of Company servants. Competition was destroyed, supply and demand laws perverted. The result was economic

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<sup>1534</sup> Langford, *Writings and Speeches*, V, 244.

<sup>1535</sup> Langford, *Writings and Speeches*, V, 244-45.

<sup>1536</sup> Langford, *Writings and Speeches*, V, 246.

ruin: “The whole Trade of the Country was either destroyed, or in Shackles.”<sup>1537</sup> As *Ninth Report* continues, the Treaty of Allahabad in 1765 tightened this economic monopoly over native traders even more. Burke’s distaste for monopoly screams through in these comments.

By underscoring the dangers of monopoly, Burke anticipates his later rebuke of the practice in *Thoughts and Details*. Recall that in the economic tract, Burke cautions that the new government-mandated positions of miller or mealman could extinguish the private grain trade. “[U]nder the appearance of a monopoly of capital,” Burke writes, those positions “will, in reality, be a monopoly of authority, and will ruin whatever it touches.”<sup>1538</sup> The centralization of political authority is bound to thwart commercial vibrancy and enhance the state’s capacity for repression.

Beyond its investigation into raw silk and piece goods, *Ninth Report* offers an elaborate investigation into opium, saltpetre, and salt, three commodities that were formally authorized monopolies under the East India Company. MP Philip Francis, a former member of the Supreme Council in Bengal, noted that while Burke was the author of most sections of *Ninth Report*, Francis was responsible for writing the sections on the salt and opium monopolies, as well as other unspecified articles. Francis said he drafted these for Burke at Burke’s “own desire.”<sup>1539</sup> Being that Burke was a firm opponent of monopoly and an advocate of commercial liberty throughout his career, these sections resonate with his own beliefs on the consequences of the economic control of scarce resources.

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<sup>1537</sup> Langford, *Writings and Speeches*, V, 246.

<sup>1538</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>1539</sup> Langford, *Writings and Speeches*, V, 194.

Consider *Ninth Report*'s discussion of the opium industry. It describes how the East India Company's command of the trade was designed under a variety of pretenses, such as reducing exorbitant consumption at home, prevent an over-supply of goods, and securing the trade against adulteration. The effect of this policy, however, was that it prevented the local producer from enjoying the advantages of his toil. "...[I]t seems to be a part of the Policy of this Monopoly to prevent the Cultivator from obtaining the natural Fruits of his Labour," *Ninth Report* states. "Dealing with a private Merchant he could not get *Money in Abundance*, unless his Commodity could procure *an abundant Profit*."<sup>1540</sup> This insight is compatible with one of the core tenets of Burke's philosophy of political economy, as suggested in *Thoughts and Details*: individuals should be granted the opportunity to pursuit profit. Profit can be a force for good in civil society, providing the incentive for labor and the means by which the individual purchases products in the market.

The problem is when market actors who pursue profit prevent others from doing the same, regardless of the benevolent intentions of the monopolists. "Upon whatever Reasons or Pretences the Monopoly of Opium was supposed," *Ninth Report* continues, "the real Motive appears to be the Profit of those who were in Hopes to be concerned in it."<sup>1541</sup> For Burke, the East India Company was the cruel embodiment of this reality: it set out to acquire profit by curbing the economic freedoms of local Indians. It succeeded in the latter but, as evidenced by its financial misadventures, failed in the former.

Francis' additional details on the opium monopoly in *Ninth Report* mirror Burke's concerns about the danger of controlling property and resources. Francis discusses corrupt contracts granted to the highest English bidder; the cultivation of a low quality of opium; the

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<sup>1540</sup> Langford, *Writings and Speeches*, V, 270.

<sup>1541</sup> Langford, *Writings and Speeches*, V, 271.

usurpation of Indians' private land to compel the growth of poppy; the imprisonment of natives on fraudulent pretenses; and the reckless attempt to trade contraband opium with China, which had banned the importation of the commodity. The contracts in particular abandoned any pretense of supply and demands laws: East India Company contractors coerced native cultivators into selling the commodity on the contractors' own terms. In addition, the contractors were rewarded an advance sum of money for their efforts, which removed the incentive for them to be diligent in their transactions, while Indians did not receive market value for their crops.<sup>1542</sup> Thus contractors with the Company enriched themselves in the opium trade at the expense of native cultivators and consumers.

The salt monopoly produced similarly destructive consequences. *Ninth Report* argues that controlling the supply and demand for salt will "raise the Price on the Consumer beyond its just level..."<sup>1543</sup> Francis' insight is similar to Burke's contention in *Thoughts and Details* that government intrusion into the grain market will "instantly raise the market upon itself."<sup>1544</sup> The government control of a good aggravates the costs of purchasing it. *Ninth Report* notes that embezzlement and the importation of salt will ensue, which, in the end, means that "Government will probably be undersold, and beaten down by a losing Price."<sup>1545</sup> Burke's description of the financial mismanagement of the East India Company following its political takeover of Bengal is an apt example of this consequence.

*Ninth Report's* critique of the saltpetre monopoly, particularly in the province of Bahar, further illustrates Burke's worries about the perils of perverting natural market order. The East India Company dictated the price and production of saltpetre. It persecuted

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<sup>1542</sup> Langford, *Writings and Speeches*, V, 276.

<sup>1543</sup> Langford, *Writings and Speeches*, V, 289.

<sup>1544</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>1545</sup> Langford, *Writings and Speeches*, V, 289.



manufacturers who were unable to complete the orders of the Company and who were leveled with heavy debt. Instead of imprisoning debtors, the Company would deduct the balance from their current production. The report notes that this entire process of economic control created a perverse incentive, dissuading natives from producing high-quality goods in an efficient manner. “People must be discouraged from entering into a Business, when the Commodity being fixed to one invariable Standard, and confined to one Market, the best Success can be attended only with a limited Advantage,” *Ninth Report* explains, “whilst a defective Produce can never be compensated by an augmented Price.”<sup>1546</sup>

In essence, fixing prices and confining trade to a single market drains any incentive to be industrious and pursue profit, since the worker will not receive a commensurate reward for his efforts. “...[T]here can be no Life and Vigour in any Business under a Monopoly so constituted; nor can the true productive Resources of the Country, in so large an Article of its Commerce, ever come to be fully known,” *Ninth Report* contends.<sup>1547</sup> Thus, the economic potential of the natives is inhibited. *Ninth Report’s* commentary on the opium, salt, and saltpetre monopolies also shows how economic control was the precursor to intimidation and extortion, property violations and political imprisonment. It converted the debt of natives into a weapon of political and economic oppression.

*Ninth Report* emphasizes that the antidote to this abuse of native merchants was the infusion of competition into native markets. “This Competition, the Operation of which they endeavour to prevent, is the natural Corrective of the Abuse, and the best Remedy which could be applied to the Disorder...” the report insists.<sup>1548</sup> Moreover, “The Prosperity

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<sup>1546</sup> Langford, *Writings and Speeches*, V, 305.

<sup>1547</sup> Langford, *Writings and Speeches*, V, 305.

<sup>1548</sup> Langford, *Writings and Speeches*, V, 271.

of the Natives must be previously secured, before any Profit from them whatsoever is attempted.”<sup>1549</sup> Burke maintains that the stimulation of local trade should occur before Britain makes any attempts to extract revenue from them.

These ideas are consistent with Burke’s appraisal of market competition throughout his life. In *Thoughts and Details* Burke maintains that farmers might not suffer from government intervention in the market—but only “as long as there is a tolerable market of competition...”<sup>1550</sup> Burke’s parliamentary activities demonstrate a steady commitment to invigorating competition: advocating for the Free Port Act; opposing the bans on forestalling, regrating, and engrossing; pushing the Irish free trade bills; and resisting the state regulation of the domestic grain trade. As evidenced by these efforts, Burke thought that competition benefited all different types of traders by increasing their wealth and promoting social harmony.

Burke paints a broader philosophical picture of his conception of monopoly when he discusses natural rights in his *Speech on Fox’s India Bill*, which will be discussed in greater depth in the next section. After explaining how natural rights acquire authority through charters and legal sanction, he rejects the premise that the chartered rights of the East India Company translate into the right to control economic resources. “The East India charter is a charter to establish a monopoly, and to create power,” Burke says. “Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from charters, it is fallacious and sophistical to call ‘the chartered rights of men.’”<sup>1551</sup> Chartered

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<sup>1549</sup> Langford, *Writings and Speeches*, V, 221.

<sup>1550</sup> Langford, *Writings and Speeches*, IX, 135.

<sup>1551</sup> Langford, *Writings and Speeches*, V, 384.

rights protect the natural right to liberty, but they do not authorize the arbitrary exercise of complete force.

In the end, *Ninth Report's* condemnation of monopoly displays a consistency with Burke's approach to politics. In both cases, Burke abhorred the concentration of power in the hands of a single entity. Politically speaking, constitutional government required taming the ambitions of the Crown. Economically speaking, market liberalism demanded that the means of production be liberated from the control of one trader. For Burke, the perpetuation of political and commercial liberty depended on the diffusion of power.

#### **d. The East India Company, *Eleventh Report*, and *Speech on Fox's India Bill***

The British government was aware that the Lord North's Regulating Act of 1773 did not achieve its aim to rein in the mismanagement of the East India Company. The institution continued to suffer financial losses, and the Governor General, Warren Hastings, continue to perpetrate or condone the Company's abuse of natives. In the light of these political realities, Lord North's ministry made slight amendments to the Regulating Act in 1781, but it wasn't until the Fox-North coalition assumed power in April 1783 that the prospect of real reform gained traction.

Burke took a leading role in carrying out these reform efforts. Historical evidence suggests that he was heavily involved in the drafting of two bills that sought to change the management structure of the East India Company. The second established a regulatory framework to govern the Company's administration in India. The first of these bills offered a more contentious proposal: it proposed two commissions, with four-year terms for good behavior, to oversee the Company's shareholders and directors. The first commission, consisting of seven allies of the Fox-North coalition, would be responsible for the

Company's administration and disciplining of misbehaving servants, and the second would oversee the Company's commercial activity.<sup>1552</sup>

The bill was greeted with political hostility from opposition MPs. By giving more power to special commissions, they argued, the bill would increase the power of the Crown; rob East India Company shareholders of their chartered rights; allow party ministers to use their new powers for personal gain and patronage (the Crown notwithstanding); and damage national credit.<sup>1553</sup> In effect, the bill would shift the locus of the Company's power base from Calcutta, its headquarters at the time, to London. On this note, there is an irony in the fact that Burke originally *resisted* efforts to reform the Company through stronger ministerial oversight, as evidenced by his opposition to the Regulating Act of 1773.

Before Burke furnished his most eloquent defense of Fox's bill in December, the Select Committee on India released another report, *Eleventh Report of Select Committee*, to document the abuses of Hastings' rule. Attributed to Burke, the report was released strategically on the same day that Fox introduced his motion for the bill.<sup>1554</sup> *Eleventh Report* is not as comprehensive as *Ninth Report*, but it does provide a constellation of details on the Company's exploitation of natives. The document focuses primarily on the corrupt manner in which Hastings acquired financial resources through the extortion of Indians. Hastings then employed this burst of money to fund his diplomatic and financial adventures.<sup>1555</sup>

Burke's analysis in *Eleventh Report* provides little original insight into his personal conception of political economy, but it does signal his aversion to the corruption perpetrated by the East India Company. Burke highlights how Hastings had acquired money by receiving

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<sup>1552</sup> Langford, *Writings and Speeches*, V, 379.

<sup>1553</sup> Langford, *Writings and Speeches*, V, 383.

<sup>1554</sup> Lock, *Edmund Burke*, vol. I, 529.

<sup>1555</sup> See Langford, *Writings and Speeches*, V, 335n2.

“pretended Free Gifts”<sup>1556</sup> from natives in violation of the law. In reality, Burke argues, British administrators intimidated Indians into giving them lucre for the Company’s benefit, thereby taking advantage of natives’ basic desire for security. The Indians’ “Generosity is found in Proportion, not to the Opulence they possess, or to the Favours they receive, but to the Indigence they feel, and the Insults they are exposed to.”<sup>1557</sup>

The fraudulence of Hastings’ forced payments supplied the incentive for the natives to engage in corrupt practices as well: “The very Nature of such Transactions has a Tendency to teach the Natives to pay a corrupt Court to the Servants of the Company...”<sup>1558</sup> Indians would be more willing to contribute to the Company’s administration if financial deals were carried out with integrity. “If the Transaction was fair and honest,” Burke observes, “every Native must have been desirous of making Merit with the great governing Power.”<sup>1559</sup> *Eleventh Report* lays blame squarely on Hastings for creating a swamp of financial corruption that eroded this trust with natives.

On 1 December 1783, less than six months after *Ninth Report* was published, Burke articulated his main defense of Fox’s bill in *Speech on Fox’s India Bill*. It is a sweeping statement characterized by Burke’s gift for rhetoric and imagery. He paints a romanticized view of India, summoning a picture of a civilized and cultured natives before the East India Company began carrying out its campaign of political persecution. The speech’s relevant portions for Burke’s political economy include revealing insights into his understanding of the function of merchants in market economies. They also shine light on Burke’s beliefs

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<sup>1556</sup> Langford, *Writings and Speeches*, V, 334.

<sup>1557</sup> Langford, *Writings and Speeches*, V, 350-51.

<sup>1558</sup> Langford, *Writings and Speeches*, V, 359.

<sup>1559</sup> Langford, *Writings and Speeches*, V, 359.

regarding Indian land tenure that evoke his commentary of landed property rights expressed elsewhere in his public career.

Burke's discussion on merchants offers his fullest treatment of the role of traders in market economies. He proposes six qualities by which a good merchant should be judged, in contrast to the nefarious practices of East India Company servants. The first reveals Burke's fondness for supply and demand laws: "The principle of buying cheap and selling dear is the first, the great foundation of mercantile dealing."<sup>1560</sup> A trader is successful when he purchases inexpensive goods and sells them off at a higher price. For Burke, the East India Company violated this principle: "...[F]or years have they not actually authorized in their servants a total indifference as to the prices they were to pay?"<sup>1561</sup> Burke is continuing his critique of the Company's contravention of market forces that he expressed in *Ninth Critique*, further validating his faith in market laws to produce commercial prosperity.

The second, third, and fourth criteria are matters of financial discipline, prudence, and oversight: good trading men must show a "great deal of strictness in driving bargains for whatever we contract..."<sup>1562</sup> and they must "see that their clerks do not divert the dealings of the master to their own benefit."<sup>1563</sup> The fourth quality of a merchant is "to be exact in his accounts."<sup>1564</sup> The East India Company wiped away integrity from its accounting practices: in referring to Company civil servant James Auriol's shady contractual agreement to supply rice to other jurisdictions, Burke writes, "A new principle of account upon honour seems to be

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<sup>1560</sup> Langford, *Writings and Speeches*, V, 431.

<sup>1561</sup> Langford, *Writings and Speeches*, V, 431.

<sup>1562</sup> Langford, *Writings and Speeches*, V, 431.

<sup>1563</sup> Langford, *Writings and Speeches*, V, 431.

<sup>1564</sup> Langford, *Writings and Speeches*, V, 432.

regularly established in their dealings and their treasury, which in reality amounts to an entire annihilation of the principle of all accounts.”<sup>1565</sup>

Burke’s fifth quality of a good merchant is his commitment to “calculate his probable profits upon the money he takes up to vest in business.”<sup>1566</sup> He “does not meditate a fraudulent bankruptcy...”<sup>1567</sup> The businessman does not invest with a brazen lack of discipline, discarding careful consideration of the prospect for profit. The final characteristic of Burke’s merchant is “the taking care to be properly prepared, in cash or goods, in the ordinary course of sale, for the bills which are drawn on them.”<sup>1568</sup> Burke lambastes the Company for failing to assess whether their sales would be sufficient to cover interest payments owed to Company servants, from whom the corporation borrowed money in order to fund its investment in trade exports. This recklessness was particularly imprudent at a time when the institution’s financial resources were devoted to funding military campaigns. “Has the Company ever troubled themselves to enquire whether their sales can bear the payment of that interest, and at that rate of exchange?” he asks hypothetically.<sup>1569</sup>

Burke’s description of these six qualities uncovers an underlying ethical structure that, in his view, should govern the merchant’s business activities, as opposed to the unscrupulous conduct of the East India Company. Thus Burke’s elevation of the merchant to a respectable position in civil society, here and elsewhere in his writings like *Thoughts and Details*, is conditioned on the premise that the trader demonstrates probity and discipline in his economic activities. The flourishing of commercial and financial enterprise depends on

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<sup>1565</sup> Langford, *Writings and Speeches*, V, 432.

<sup>1566</sup> Langford, *Writings and Speeches*, V, 432.

<sup>1567</sup> Langford, *Writings and Speeches*, V, 432.

<sup>1568</sup> Langford, *Writings and Speeches*, V, 432.

<sup>1569</sup> Langford, *Writings and Speeches*, V, 432.

the integrity of businessmen. Markets require commercial virtue. When businessmen become corrupt, trade is stripped of the ethical core necessary to ensure honest transactions. Both commerce and morality thus suffer. As Burke insists in *Speech on Fox's India Bill*, “Indeed no trace of equitable government is found in their politics; not one trace of commercial principle in their mercantile dealing,” which is why the British Parliament must “restore the countries destroyed by the misconduct of the Company, and to restore the Company itself, ruined by the consequences of their plans for destroying what they were bound to preserve.”<sup>1570</sup> Rehabilitate the East India Company on sound economic principles, which signify deeper ethical principles, and the Indian economy will recover—not to mention the Company itself.

Burke's image of the ideal trader integrates smoothly with an earlier comment he made in *Speech on Fox's India Bill*. In defending the legitimacy of the East India Company as a long-lasting institution, Burke claims, “I have known merchants with the sentiments and the abilities of great statesmen; and I have seen persons in the rank of statesmen, with the conceptions and character of pedlars.”<sup>1571</sup> This comment is a jab at the belief, embraced by Adam Smith, that merchants did not possess the qualifications to rule the company. Burke continues by insisting that nothing would disqualify men from administering the functions of government except that “by which the power of exercising those functions is very frequently obtained, I mean a spirit and habits of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.”<sup>1572</sup> In essence, merchants are capable of performing the traditional duties of statesmanship.

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<sup>1570</sup> Langford, *Writings and Speeches*, V, 433.

<sup>1571</sup> Langford, *Writings and Speeches*, V, 387.

<sup>1572</sup> Langford, *Writings and Speeches*, V, 387.



Burke's discussion of a merchant's qualifications to rule requires critical assessment, however. Although he praises traders in *Speech on Fox's India Bill*, he famously assailed Jacobin revolutionaries in *Reflections* for believing that those who worked as "a hairdresser" or "a working tallow-chandler" were qualified to rule.<sup>1573</sup> Indeed, the occupation of a hairdresser was not equivalent to a trader for the East India Company. But is Burke guilty of inconsistency in praising merchants in *Speech on Fox's India Bill* for their capacity to rule, but denouncing the ability of businessmen in menial occupations in *Reflections* to do so as well? In the former, he knows merchants with the "sentiments and abilities" of distinguished statesmen. In the latter he does not.

At an elemental level, Burke does believe, as he states in *Reflections*, that the two qualifications to govern were "virtue and wisdom, actual or presumptive."<sup>1574</sup> He champions the argument that individual merit sanctions the exercise of political authority. But his inclination to support the landed aristocracy in Parliament underscores his conviction that members of that class were less likely to threaten the liberties of the people: they possessed wealth, so they were not keen on taking it from others; they pursued the common good, not self-interest; and they exhibited a cast of mind resistant to radicalism.

One can attempt to trace harmony in Burke's views. As he notes above in *Speech on Fox's India Bill*, the trait that most disqualifies a person from government is the tendency to pursue cabal and intrigue. French revolutionaries, including those in menial occupations, acted upon this tendency with deadly force, and thus exposed their inability to govern with prudence. In the judgment of Burke, landed aristocracies were not susceptible to scheming together to subvert the public welfare, and thus were qualified to rule. In sum, the common

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<sup>1573</sup> Langford, *Writings and Speeches*, VIII, 100-01.

<sup>1574</sup> Langford, *Writings and Speeches*, VIII, 101.

standard linking Burke's assessment of the qualifications to rule is the individual's ability to resist the temptation to design political schemes that imperil the liberties of the government's subjects. For Burke, if traders tamed this impulse, they were just as qualified to govern as the landed nobility.

*Burke, Rights, and Trust*

Burke assesses the governing capacities of merchants in the larger context of his defense of the East India Company in general. In *Speech on Fox's India Bill*, one reason he believes merchants could govern as effectively as statesmen is that the corporation, in his view, was a wholly legitimate institution. He makes this contention in reaction to the accusation leveled by critics at Fox's bill that it would destroy the "chartered rights of men."<sup>1575</sup> In doing so, he unmasks compelling insights into his conception of rights and the relationship between political authority and its subjects.

These insights are best understood by tracing Burke's beliefs about the East India Company back to the first speech he made about India in the House of Commons, articulated in his second parliamentary session in 1766. This was at the time when Lord Chatham was seeking to inquire about the state of the Company's finances, with the intention of using a portion of its increased wealth to pay down the debt from the Seven Years War. Burke "jumped up instantly"<sup>1576</sup> in opposition to the Duke of Bedford's motion to formally implement Chatham's inquiry. His resistance to the inquiry, and to subsequent attempts seeking to regulate the Company's dividend, stemmed from a firm commitment to

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<sup>1575</sup> Langford, *Writings and Speeches*, V, 383.

<sup>1576</sup> Burke to Charles O'Hara, 27 [November 1766], in *Correspondence of Edmund Burke*, I, 281.

preserve the chartered rights and private property of the Company.<sup>1577</sup> Burke, a member of the Rockingham Whigs, the faction that relinquished power once Chatham took over, claimed that this belief did not derive from “principles of factious opposition.”<sup>1578</sup> Other exterior considerations came into play: the Company’s conspicuous increase in revenue would benefit heavy investors like Will Burke, whose finances overlapped with Burke’s; and Burke abhorred Chatham. It would be unfair to characterize Burke’s opposition to Pitt’s plans as driven primarily by ulterior motives, however, because Burke’s contention provides a glimpse into his later thoughts in *Speech on Fox’s India Bill* on the importance of restoring the Company’s rightful authority over its *property* in India.

Burke realized that the issue of the East India Company’s property rights was the fulcrum of debate over its management in India. At the time of *Speech on Fox’s India Bill*, when he realized that reform of the Company was necessary, he strongly countered objections that Fox’s bill obliterated the corporation’s chartered rights. Burke begins by insisting that there are such things as natural rights that deserve sacrosanct protection. “The rights of *men*, that is to say, the natural rights of mankind, are indeed sacred things...” he claims.<sup>1579</sup> He continues:

If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power, and authority, by written instruments and positive engagements, they are in a still better condition; they partake not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance.<sup>1580</sup>

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<sup>1577</sup> See Bourke, *Empire & Revolution*, 338-39; and Lock, *Edmund Burke*, vol. I, 31-32.

Burke did not convey empathy toward oppressed Indian natives at this time, although this absence could be explained by his growing awareness of the Company’s abuses in the mid-to-late 1770s.

<sup>1578</sup> Burke to Charles O’Hara, 27 [November 1766], in *Correspondence of Edmund Burke*, I, 281.

<sup>1579</sup> Langford, *Writings and Speeches*, V, 383.

<sup>1580</sup> Langford, *Writings and Speeches*, V, 384.

Although Burke has acquired a reputation for opposing the abstract natural rights doctrine of the French Revolution, here he extols his own conception of a properly construed natural rights theory. This conception achieves an eminent harmony with his beliefs about property, as evidenced in his commentary on the *Nullum Tempus* affair and elsewhere: natural rights and property rights are rooted in the nature of men; both acquire greater authority through time, as expressed in prescriptive titles, written agreements, and legal affirmations; and both attain a degree of public respect through this continual renewal and enhancement of rights. For Burke, there are indeed natural rights, but their realization can best be achieved in a community, approving and protecting them through institutional and historical processes, because man's nature was *social*. He references King John's assent of Magna Carta and Henry III confirmation of the document in 1265 as examples of worthy public declarations of natural rights.

For Burke, Fox's bill did *not* threaten these real chartered rights of men because the charter of the East India Company was formed on diametric principles. Magna Carta was a document to limit the might of the king and the concentration of power, while the purpose of the Company charter was to grant it institutional muscle. As Burke says, "*Magna charta* is a charter to restrain power, and to destroy monopoly. The East India charter is a charter to establish monopoly, and to create power."<sup>1581</sup> Therefore, unbridled authority is not a natural right: "Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from charters, it is fallacious and sophistical to call 'the chartered rights of men.'"<sup>1582</sup> If anything, they "at least suspend the natural rights of mankind at large" and may

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<sup>1581</sup> Langford, *Writings and Speeches*, V, 384.

<sup>1582</sup> Langford, *Writings and Speeches*, V, 384.

even “fall into direct violation of them.”<sup>1583</sup> Hence Burke does not slouch toward political positivism in the belief that the genesis of rights only derives from social assent. For him, there remains an underlying moral component to natural rights that determines whether chartered liberties are grounded in just or unjust principles. Just principles include those that limit the concentration of power, while unjust ones include those that augment it.

Even though Burke acknowledges that the East India Company charter did not express the real natural rights of man, he affirms that the East India Company, without a doubt, possessed the authority to exercise their political and trading privileges. For instance, Burke says that he “freely admits to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe.”<sup>1584</sup> This was because these were granted by “charter and acts of parliament,” and “without a shadow of controversy” at that.<sup>1585</sup> Burke’s reasoning is part of his broader political philosophy, one which consecrated long-lasting bodies because of the authority of time. As he states in *Speech on Fox’s India Bill*, “I feel an insuperable reluctance in giving my hand to destroy any established institution of government upon a theory, however plausible it may be.”<sup>1586</sup> The Company was a legitimate institution; it enjoyed chartered privileges; and its enduring authority protected itself from calls to abolish it.

If in fact a charter confers privileges upon an institution that, in doing so, narrows the natural rights of mankind, the charter must ensure that those individuals whose rights are curtailed will gain advantages from the arrangement. “[A]ll political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial,

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<sup>1583</sup> Langford, *Writings and Speeches*, V, 384.

<sup>1584</sup> Langford, *Writings and Speeches*, V, 384.

<sup>1585</sup> Langford, *Writings and Speeches*, V, 385.

<sup>1586</sup> Langford, *Writings and Speeches*, V, 387.

and for so much,” Burke writes, “a derogation from the natural equality of mankind at large, ought to be in some way or other exercised ultimately for their benefit.”<sup>1587</sup> Burke is not a utilitarian, but he does recognize an indispensable element of utility in political communities: when violations of natural rights occur, individuals should still receive some fruits. In the case of the East India Company, the corporation’s chartered liberties should produce commercial gifts for the English people. Furthermore, this argument demonstrates that Burke did not hold natural rights to be inviolable. Burke hints that the limitation on natural rights *may* be justified if the action that curbed them—in this case, the Company charter—engendered some reward to those whose rights were constrained.

In Burke’s judgment, then, the problem was not that the East India Company existed but that it abused its authority. It broke treaties,<sup>1588</sup> restricted Indian traders’ liberties, seized property, extorted local rulers, and initiated military campaigns. This point is representative of a larger theme in Burke’s political and economic philosophy: there exists a sacred covenant between the ruler and the ruled. The right to political or commercial authority does not nullify the ethic of responsibility in the pursuit of the institution’s aims; indeed, the exercise of authority *demand*s responsibility. Such a belief shines through in Burke’s assessment of Britain’s relations with the American colonies, and it manifests itself in *Speech on Fox’s India Bill* as well. According to Burke, the governmental authorization of commercial privileges to the Company conveyed a heightened level of confidence in the corporation’s ability to use those privileges wisely.

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<sup>1587</sup> Langford, *Writings and Speeches*, V, 385.

<sup>1588</sup> See Langford, *Writings and Speeches*, V, 385 for Burke’s description of the treaties broken.

The corruption of these privileges sliced the bond of confidence between the political authority that conferred the chartered privileges and the institution that benefited from them. Burke writes that if

every description of commercial privilege, none of which can be original self-derived rights, or grants from the mere private benefit of the holders, then such rights, or privileges, or whatever you choose to call them, are all in the strictest sense a *trust*; and it is of the very essence of every trust to be rendered *accountable*; and ever totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence.<sup>1589</sup>

Privilege is a gift, not a right. It creates a covenant between the ruler holding the privileges and the subjects whom it rules. Because privilege is a gift, there is even more of an urgent imperative to use it responsibly and with caution. (Of course, Burke also believed that natural rights should be used responsibly.) If the institution violates the trust conferred upon it, it sacrifices its privileges.

To Burke, Fox's India bill was a legitimate attempt to address this breach of trust, and, consequently, breach of royal charter. If the British government was the source of the Company's odious behavior, it held the responsibility to correct it. "[I]f we are the very cause of the evil, we are in a special manner engaged to the redress," Burke states.<sup>1590</sup> In his judgment, the bill did not jeopardize the chartered liberties of men but aimed to reform the chartered privileges of the East India Company.<sup>1591</sup>

More so, Britain was *morally* obligated to reform because of its violation of trust: "I ground myself therefore on this principle—that if the abuse is proved, the contract is

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<sup>1589</sup> Langford, *Writings and Speeches*, V, 385.

<sup>1590</sup> Langford, *Writings and Speeches*, V, 385.

<sup>1591</sup> The bill ended up being defeated in the House of Lords on 17 December 1783, leading to the dismissal of the Fox-North Coalition the next day. A ministry directed by Pitt assumed power. See Langford, *Writings and Speeches*, V, 451. See also Sir Lewis Namier and John Brooke, *The History of Parliament: The House of Commons 1754-1790*, vol. III, *Members K-Y* (London: Secker & Warburg, 1985), 88.

broken; and we re-enter into all our rights; that is, into the exercise of all our duties.”<sup>1592</sup>

These remarks are a revealing window into Burke’s conception of the relationship between rights and duties. As established, Burke was a vigorous supporter of the economic right to produce and to trade. But, as his comments here illustrate, Burke summons another dimension of rights in which they are *inseparable* from duties. Men had a right to grant privileges to the Company, but once the organization frayed the government’s trust, men also had the right to reform it. “Our own authority is indeed as much a trust originally, as the Company’s authority is a trust derivatively,” he says.<sup>1593</sup> The relationship between the ruler and the ruled draws its strength ultimately from the moral chord of trust rather than the conditional instrument of commercial contracts.

Consider the deeper implication of Burke’s argument. If the East India Company’s violation of political and commercial trust demands that men satisfy their antecedent moral duty to reform the institution, then the natural state of mankind is governed by a code of ethics. The natural right to live—to produce, to trade, to rule—does not release one from the moral responsibility to live rightly, just as the chartered right to existence, in the case of the East India Company, did not immunize it from the imperative to rule ethically. Burke’s state of nature was a state not only of social interaction but of moral responsibility.

#### *Burke, Smith, and the East India Company*

Burke frames his institutional defense of the East India Company in *Speech on Fox’s India Bill* as an alternative to the view that *any* possession of political power by merchants is an automatic license for abuse. In fact, Burke may have alluded to Adam Smith when

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<sup>1592</sup> Langford, *Writings and Speeches*, V, 386.

<sup>1593</sup> Langford, *Writings and Speeches*, V, 386.



highlighting this contrast in the speech. “I do not presume to condemn those who argue *a priori*, against the propriety of leaving such extensive political powers in the hands of a company of merchants,” he writes.<sup>1594</sup> The seeming difference between Burke and Smith raises significant questions about Burke’s self-understanding of his support for the institution in contrast to other critics like Smith.

Without a doubt, Smith had leveled harsh words at the East India Company and other chartered companies in *Wealth of Nations*. He averred that the “government of an exclusive company of merchants, is, perhaps, the worst of all governments for any country whatever.”<sup>1595</sup> In a specific section on the Company, Smith wrote, “[A] company of merchants are, it seems, incapable of considering themselves as sovereigns, even after they had become such.”<sup>1596</sup> He concluded that chartered companies are a net drain on a nation’s opulence: they “are nuisances in every respect; always more or less inconvenient to the countries in which they are established, and destructive to those which have the misfortune to fall under their government.”<sup>1597</sup>

Yet Burke may have mischaracterized Smith’s position on the East India Company. In *Wealth of Nations*, Smith actually defended the Company’s trading activities before its territorial acquisition, arguing that its restrained nature rendered unlikely a “pretext for gross negligence and profusion, or a cover to gross malversation.”<sup>1598</sup> Smith further contended that an incorporated joint-stock company backed by the state may serve a useful purpose in far-off lands. Trading in distant parts of the world, he reasoned, lends itself to danger and

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<sup>1594</sup> Langford, *Writings and Speeches*, V, 386.

<sup>1595</sup> Smith, *Wealth of Nations*, vol. II, 570.

<sup>1596</sup> Smith, *Wealth of Nations*, vol. II, 637.

<sup>1597</sup> Smith, *Wealth of Nations*, vol. II, 641.

<sup>1598</sup> Smith, *Wealth of Nations*, vol. II, 747.

uncertainty, with an unusual amount of risk attached to its commercial activities. Thus it might “not be unreasonable,” for the state to grant joint-stock companies “a monopoly of the trade for a certain number of years,”<sup>1599</sup> if the company happened to be thriving.

Therefore, Smith was actually *defending* monopolies, like the Company, as long as they existed on a temporary basis. “A temporary monopoly of this kind may be vindicated upon the same principles upon which a like monopoly of a new machine is granted to its inventor, and that of a new book to its author,” Smith wrote.<sup>1600</sup> Once the temporary monopoly expires, Smith argued, the monopolistic commercial institution should transfer its forts and garrisons to the European government for administration, and free trade should be restored in the colonial jurisdiction.<sup>1601</sup> In the case of India, a benevolent British government should relieve oppressed natives by removing burdensome taxes and preventing the abuse of revenue collection.<sup>1602</sup> Smith also acknowledged that the Company still had a right, granted by Parliament, to exercise its corporate capacity to trade on the market with other competitors on the subcontinent,<sup>1603</sup> independent of any authority to rule politically.

The irony, then, is that the perspectives of Burke and Smith on the East India Company are closer than Burke suggests in *Speech on Fox’s India Bill*. Both firmly believed that the monopolistic tendencies of the East India Company thwarted the circulation of goods within India and between India and European nations, while also hurting native merchants.

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<sup>1599</sup> Smith, *Wealth of Nations*, vol. II, 754.

<sup>1600</sup> Smith, *Wealth of Nations*, vol. II, 754.

<sup>1601</sup> Smith, *Wealth of Nations*, vol. II, 754-55.

<sup>1602</sup> Smith, *Wealth of Nations*, vol. II, 945-46. Also see Gary M. Anderson and Robert D. Tollison, “Adam Smith’s Analysis of Joint-Stock Companies,” *Journal of Political Economy* 90 (1982): 1237-1256; and Sankar Muthu, “Adam Smith’s Critique of International Trading Companies: Theorizing ‘Globalization’ in the Age of Enlightenment,” *Political Theory* 36 (2008): 185-212.

<sup>1603</sup> Smith, *Wealth of Nations*, vol. II, 755.

Consider, for instance, Smith's point about the poppy and grain trade that Burke endorsed in

*Ninth Report*. Smith wrote in *Wealth of Nations*:

It has not been uncommon, I am well assured, for the chief, that is, the first clerk of the factory, to order a peasant to plough up a rich field of poppies, and sow it with rice or some other grain. The pretence was, to prevent a scarcity of provisions; but the real reason, to give the chief an opportunity of selling at a better price a large quantity opium, which he happened then to have upon hand. Upon other occasions the order has been reversed; and a rich field of rice or other grain has been ploughed up, in order to make room for a plantation of poppies; when the chief foresaw extraordinary profit was likely to be made by opium.<sup>1604</sup>

Then consider *Ninth Report's* description of opium cultivation and trade:

For in the first Contract entered into with the Two Natives, it was strictly forbidden to compel the Tenants to the Cultivation of this Drug. Indeed, very shocking Rumours had gone Abroad, and they were aggravated by an Opinion, universally prevalent, that even in the Season immediately following that dreadful Famine which swept off One Third of the Inhabitants of Bengal, several of the poorer Farmers were compelled to plow up the Fields they had sown with Grain, in order to plant them with Poppies for the Benefit of the Engrossers of Opium.<sup>1605</sup>

Although Philip Francis claimed he had written *Ninth Report's* section on the opium monopoly, from which this excerpt was drawn, Francis indicated he had composed it under the guidance of Burke. Accordingly, it is safe to say that Burke supported both Francis' analysis above and the report's additional conclusions about the insidious nature of the Company's monopolies.

The East India Company's mismanagement of the opium trade was part of Burke's and Smith's larger critique of the Company.<sup>1606</sup> In their overlapping judgments, territorial

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<sup>1604</sup> Smith, *Wealth of Nations*, vol. II, 636.

<sup>1605</sup> Langford, *Writings and Speeches*, V, 271-72.

<sup>1606</sup> Indeed, Burke's and Smith's judgments on the East India Company were held in such high regard that Burke had been offered a position to serve on a commission to supervise the institution, while Smith had been a candidate to be an advisor to the Company. See Lock, *Edmund Burke*, vol. I, 334 and Smith, *Wealth of Nations*, vol. II, 751n63.

aggrandizement and the spirit of conquest altered the institution's shape and substance, turning it from a profit-seeking commercial institution into a rapacious instrument for political and economic persecution. It transformed from an organization based on sound market principles into a rent-seeking organization defined by malversation and extortion. The Company sunk into dire financial straits, neglected the concerns of natives, and undermined economic development. Smith wrote in *Wealth of Nations*, "No other sovereigns ever were, or, from the nature of things, ever could be, so perfectly indifferent about the happiness or misery of their subjects, the improvement or waste of their dominions, the glory or disgrace of their administration..."<sup>1607</sup> Like Burke, Smith observed that the Company aggravated prices and restricted competition. Natives were taxed "very absurdly" in two ways: "by the high price of goods, which in the case of a free trade, they could buy much cheaper; and, secondly, by their total exclusion from a branch of business, which it might be both convenient and profitable for many of them to carry on."<sup>1608</sup> In essence, Burke's and Smith's respective *economic* critiques of the East India Company blend with one another, and at times are indistinguishable.

Why, then, did Burke articulate his position on the East India Company in contrast to those who, in his judgment, argued *a priori* that the institution's merchants should not hold political power? Burke provides an answer to this question by indicating his allegiance to prescription: as mentioned, he says in *Speech on Fox's India Bill* that he was reluctant to overthrow "any established institution of government" rooted in an abstract theory. This reasoning is consistent with his broader political philosophy: ancestral institutions obtain an

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<sup>1607</sup> Smith, *Wealth of Nations*, vol. II, 752.

<sup>1608</sup> Smith, *Wealth of Nations*, vol. II, 755.

authority over time, and therefore should not be destroyed simply because theoretical reason seeks to refute them.

This is not to say that Burke opposed reforming long-lasting institutions,<sup>1609</sup> particularly if they veered away from the original purpose of their creation. As this dissertation has shown, one pillar of his political and economic philosophy *was* the importance of reform through conservation and refinement. His treatment of the East India Company was the perfect expression of this mode of reasoning: the Company should remain in existence because of the authority of its Elizabethan charter and the history of its role in the British Empire. Yet it should reform because its abuse of political and economic monopoly flouted the boundaries of its charter and the commercial aims of its trading practices. Even in his comments on preserving the East India Company in *Speech on Fox's India Bill*, Burke hints that the Company deserved more criticism than it was receiving: “I know much is, and much more may be said against such a system” as the East India Company.<sup>1610</sup> Burke was a defender of the Company, but not a blind one.

Burke's and Smith's possible differences on the East India Company can be explained by additional two factors: Burke's position as a legislator<sup>1611</sup> and his firmer allegiance to the preservation of the British Empire. The anecdote of Burke cautioning Smith on prudential statesmanship—“legislators must proceed by slow degrees, impeded as they are in their course by the friction of interest and the friction of prejudice”<sup>1612</sup>—captures Burke's careful advocacy of liberal economic policies in Parliament. His prudence was

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<sup>1609</sup> See “The Scope of Government and Burke's Conception of Reform,” Chapter 9.

<sup>1610</sup> Langford, *Writings and Speeches*, V, 386.

<sup>1611</sup> Although Smith worked as commissioner of customs in Edinburgh, he never served in Parliament, and thus never faced the immediate political constraints that Burke encountered as an elected representative.

<sup>1612</sup> Hansard, *Cobbett's Parliamentary Debates*, vol. I, 550.

particularly acute when he thought that immediate economic reform might engender instability in communities. In the case of India, Burke maintained that removing British authority from the subcontinent was “impractical,” given that Indians would then be vulnerable to the ambitions of the French and local authorities seeking territory and plunder.<sup>1613</sup>

Burke’s stronger fidelity to preserving the British Empire further explains his difference in judgment with Smith over the East India Company. Burke, without apology, defended the right of Britain to govern colonies, even while emphasizing that Britain should do so ethically and with an ear toward the local conditions of its subjects. His support for the Company is a manifestation of this belief. Because the Company was a traditional British institution first sanctioned by the Crown in 1600, Burke determined that it was a cornerstone of imperial economic policy. This reason fits neatly into his political philosophy that stressed the primacy of preserving and reforming institutions. Smith did not reject tradition, but he held a weaker allegiance to the idea, and to the British Empire, and thus was more willing to accept the empire’s economic and political demise.

Even with these explanations, Burke’s argument in defense of the East India Company in *Speech on Fox’s India Bill* is puzzling, if for no other reason than it created a straw man. Smith did not call to “destroy” the East India Company, as Burke insinuated. Smith simply supported confining its activities to trade and removing its political authority. More so, Smith’s qualified opposition to joint-stock companies was grounded in greater empirical evidence than Burke suggests.<sup>1614</sup> As evidenced by *Ninth Report* and Fox’s bill, Burke desired

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<sup>1613</sup> Bourke, *Empire & Revolution*, 562.

<sup>1614</sup> See Anderson and Tollison, “Adam Smith’s Analysis of Joint-Stock Companies,” 1237-1256.

to enhance London's oversight over the company while at the same time recovering the institution's commercial principles. But to argue that anyone who opposed this plan was advancing "*a priori*" reasoning was inaccurate at best and disingenuous at worst.

In general, Burke's attempt to revive the spirit of the East India Company's royal charter shows the limitations of his political philosophy. His inclination to support "returning" an institution to its original state neglects the possibility that there might be something defective in the original state itself that is the fundamental problem. Did Burke not consider that a state-backed company, armed with exclusive trading privileges in a distant part of the world, would not collapse into a domineering political institution? Were the events of 1757 and 1765 not inevitable, when the Company enlarged its political orbit and intensified its abuse over natives?

Burke was clearly aware that the East India Company's presence spread an odious economic influence before 1765. In his 16 February speech on Hastings' impeachment, he notes that Company servants had abused their privilege of trading goods duty free in India, a gift given to them by the Mughal emperor in 1717. They used the dastak, the permit relieving the duties of taxes, so often that "it was more like robbery than trade."<sup>1615</sup> Hence the Company twisted supply and demand laws: "They sold at their own prices and forced the people to sell to them at their own prices."<sup>1616</sup> Therefore, "It appeared more like an army going to pillage the people under pretence of Commerce than any thing else."<sup>1617</sup> Burke even emphasized in his speech on Hastings' impeachment a day earlier that, by the sanction of the

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<sup>1615</sup> Langford, *Writings and Speeches*, VI, 335.

<sup>1616</sup> Langford, *Writings and Speeches*, VI, 335.

<sup>1617</sup> Langford, *Writings and Speeches*, VI, 335.

East India Company's charters in the seventeenth century, the Company had aggrandized its military presence and expanded the scope of its civil and criminal jurisdiction.<sup>1618</sup>

Would not such territorial acquisition be the logical outgrowth of granting a trading company vast amounts of commercial and political leverage? Would not it be inevitable that a trader of the East India Company's size and stature end up undermining the principles of free commerce and persecuting its subjects? Would not it be naïve to think that a state-backed company operating in a remote land with limited oversight would abuse its authority? Burke's critical examination of the Company in his speeches and the Select Committee reports is impressive, but he does not give sufficient attention to these core questions.

Therefore, does Burke's support for the Company contradict his other economic statements in his career praising free trade? Without a doubt, Burke was a leading proponent of commercial intercourse in the House of Commons in the latter half of the eighteenth century. Yet he always carefully calibrated his support for trade in the larger context of his embrace of the British Empire, in his conceptions of both the Empire's potentialities and its limitations. At times, this support for the Empire influenced Burke to approve of policies that conflicted with complete *laissez faire* doctrine, such as his defense of the Company and the Navigation Acts.

The additional complication is that Smith himself also supported the Navigation Acts (and, as indicated, the temporary privilege of a commercial monopoly) as a worthy national policy. As Smith conceded, the Acts were perhaps the "wisest of all the commercial regulations of England."<sup>1619</sup> The reality is that neither Burke nor Smith were doctrinaire

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<sup>1618</sup> Langford, *Writings and Speeches*, VI, 282-83.

<sup>1619</sup> Smith, *Wealth of Nations*, vol. I, 464-65. See "The American War, the Navigation Acts, and Pitt's Commercial Propositions," Chapter 5.



adherents to *laissez faire*. Both did not reflexively endorse economic freedom when broader political considerations came into play.

**e. *Speech on Fox's India Bill* and the Destruction of the Local Economy and Culture**

In addition to arguing for the perpetuation and reformation of the East India Company, *Speech on Fox's India Bill* highlights the destructive consequences of the institution's reign over the native population. The Company's dominion over a vast amount of land deprived the natives of their independent capacity to produce and feed themselves. "Through all that vast extent of country there is not a man who eats a mouthful of rice but by permission of the East India Company," Burke says.<sup>1620</sup> In his view, the Company's monopoly forced locals to become wholly reliant on the corporation for sustenance, thereby reinforcing their subservient status to the imperial power.

Relying on an external source for provisions was especially perilous if that power was ravenous. "When they extirpate the shepherd and the shepherd's dogs, they piously recommend the helpless flock to the mercy, and even to the *tenderest* care, of the wolf," Burke notes with a touch of hostile sarcasm.<sup>1621</sup> This comment was made in regard to the East India Company's attempt to diminish the influence of polygars, *de facto* feudal governors in southern India, while feigning to preserve the autonomy of weavers and manufacturers. Burke's point is to illuminate the danger behind the Company's sunny claim that it was acting in the best interests of natives. The corporation's self-declared benevolent

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<sup>1620</sup> Langford, *Writings and Speeches*, V, 389.

<sup>1621</sup> Langford, *Writings and Speeches*, V, 424.

intentions—their “anxious cares”<sup>1622</sup>—sanctioned persecution. The gap between its theoretical overtures and actual conduct exposed the limits of declared good intentions.

At the center of Burke’s discussion is how the Company’s failure to protect the independent spirit of natives negatively impacted the Indian nobility and its commerce. It is in this section that he famously paints a sanguine picture of the Indians. They were not “gangs of savages” but people “for ages civilized and cultivated...”<sup>1623</sup> Among the Indian inhabitants there “is to be found an antient and venerable priesthood, the depository of their laws, learning, and history...a nobility of great antiquity and renown.”<sup>1624</sup> Beyond their conveyance of dignity to the natives and attempt to evoke empathy, these comments hold an important purpose for Burke’s analysis of Indian political economy. They are part of Burke’s wider portrait of Indian civilization that, from his perspective, was thriving economically before the Company started to abuse its commercial authority. India possessed a

multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers; individual houses of whom have once vied in capital with the Bank of England; whose credit had often supported a tottering state, and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanicks; millions of the most diligent, and not the least intelligent, tillers of the earth.<sup>1625</sup>

Burke’s romanticized imagery notwithstanding, his important message is that the natives were quite capable of promoting commercial intercourse without the paternal aid of European traders—the implication being that the Company destroyed this prosperity by upsetting the supply and demand laws of their economy and seizing control of economic and political resources. It also affirms Burke’s belief, as articulated in *Reflections*, that land and

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<sup>1622</sup> Langford, *Writings and Speeches*, V, 424.

<sup>1623</sup> Langford, *Writings and Speeches*, V, 389.

<sup>1624</sup> Langford, *Writings and Speeches*, V, 389-90.

<sup>1625</sup> Langford, *Writings and Speeches*, V, 390.

commerce were not natural enemies, and that the security of the nobility harmonized with the growth of commercial activity.

Burke's sensitivity to the Indian economy shaped his understanding of Indian society in general. He emphasizes in *Speech on Fox's India Bill* that India was a complex country, consisting of a multiplicity of peoples and subcultures. "All this vast mass, composed of so many orders and classes of men, is again infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations," Burke states.<sup>1626</sup> India is of a "complicated nature."<sup>1627</sup> Burke's measured insights are drawing attention to the inherent difficulty in an imperial power governing a society inhabited by such a wide range of people.

The Hayekian overtones of these insights are palpable. Recall that Burke in *Thoughts and Details* underscores the complex nature of socioeconomic activities, stressing that government regulations fail to reflect the diversity of labor and experience in the agricultural economy. Burke's thrust in *Speech on Fox's India Bill* is a wider extension of this reasoning: Indian culture, including but not limited to its economy, is a heterogeneous society. Governing such a society based on uniform, monopolistic practices is bound to disturb local customs and inhibit fluid economic exchange. This difficulty is why Burke, and Hayek, stresses that the presiding government must be exceedingly careful before implementing economic policies, because doing so too rashly or without considering practical circumstances may uproot local order. The diversity of India, Burke writes in *Speech on Fox's India Bill*, "renders the handling of India a matter in an high degree critical and delicate."<sup>1628</sup> The complexity of Indian civilization requires that rulers act with prudence.

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<sup>1626</sup> Langford, *Writings and Speeches*, V, 390.

<sup>1627</sup> Langford, *Writings and Speeches*, V, 390.

<sup>1628</sup> Langford, *Writings and Speeches*, V, 390.

For Burke, the East India Company disrupted Indian society even further by converting the land of rulers in the Indian subcontinent into weapons of monetary exchange. The first example Burke provides in this section in *Speech on Fox's India Bill* is Shah Alam II, emperor of the Mughal Empire, who was the “first potentate sold by the Company for money...”<sup>1629</sup> Following the Treaty of Allahabad, Shah Alam granted the Company the responsibility of revenue administration in exchange for tribute from the corporation. “Money is coined in his name; In his name justice is administered; He is prayed for in every temple through the countries we possess—But he was sold,” Burke explains.<sup>1630</sup> Yet the Company reneged on its obligations; it didn’t pay the tribute. Instead Warren Hastings sold the Mughal districts of Kora and Allahabad to Sujah ul Dowlah, Wazir of Oudh.<sup>1631</sup> This is simply one instance in a litany of unscrupulous land sales Burke outlines in *Speech on Fox's India Bill*.<sup>1632</sup> He concludes by denouncing the transformation of rulers’ territory into instruments for profit, to the ultimate detriment of the India: “All these bargains and sales were regularly attended with the waste and havoc of the country, always the buyer, and sometimes by the object of the sale.”<sup>1633</sup>

The East India Company’s targeting of natives’ landed property is a motif that pervades *Speech on Fox's India Bill*. Burke describes how the Company destroyed *zamindars*, aristocratic landowners under the Mughal Empire responsible for collecting taxes, among other public functions, in order to shore up its revenue streams. The result was the usurpation of land: “[T]hey seized upon the estates of every person of eminence in the

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<sup>1629</sup> Langford, *Writings and Speeches*, V, 391.

<sup>1630</sup> Langford, *Writings and Speeches*, V, 392.

<sup>1631</sup> Langford, *Writings and Speeches*, V, 392n3.

<sup>1632</sup> See Langford, *Writings and Speeches*, V, 391-395.

<sup>1633</sup> Langford, *Writings and Speeches*, V, 394.

country, and, under the name of *resumption*, confiscated their property.”<sup>1634</sup> Burke continues, “I wish...to be understood universally and literally, when I assert, that there is not left one man of property and substance for his rank, in the whole of these provinces, in provinces which are nearly the extent of England and Wales taken together.”<sup>1635</sup> Burke casts light on the demise of both landed *and* commercial activity: “not one landholder, not one banker, not one merchant, not one even of those who usually perish last, the *ultimum moriens* in a ruined state, no one farmer of revenue.”<sup>1636</sup>

In Burke’s view, the East India Company’s exploitation of the territory of Faizullah Khan, the first Nawab of Rampur, represented the deviant ways in which the corporation’s usurpation of land injured the local economy and culture. Following the First Rohilla War in 1774, Khan was able to retain control over feudal land at Rampur. Burke notes that even critics of Khan acknowledged his effective stewardship of the land. In paraphrasing them, Burke says they admitted that “the whole of his country *is* what the whole country of the Rohilla *was*, cultivated like a garden, without one neglected spot in it.”<sup>1637</sup> The critics further conceded that he doubled the population and revenue of the territory.<sup>1638</sup>

But the East India Company had attacked Khan for allowing peasant asylum seekers into his land. Burke conveys an air of disgust over the Company’s treatment of him; in Burke’s judgment, Khan should be praised, not least for helping mankind by cultivating his land. Burke makes this point by paraphrasing Jonathan Swift in *Gulliver’s Travels*, who “somewhere says, that he who could make two blades of grass grow where but one grew

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<sup>1634</sup> Langford, *Writings and Speeches*, V, 408.

<sup>1635</sup> Langford, *Writings and Speeches*, V, 408.

<sup>1636</sup> Langford, *Writings and Speeches*, V, 408.

<sup>1637</sup> Langford, *Writings and Speeches*, V, 408.

<sup>1638</sup> Langford, *Writings and Speeches*, V, 408.

before, was a greater benefactor to the human race than all the politicians that ever existed.”<sup>1639</sup> Burke’s approval of Swift’s quotation evokes a theme of Burke’s political economy that he articulated in *Reflections*, when he said he would rather ask for the help of “the farmer and the physician rather than the professor of metaphysics”<sup>1640</sup> to obtain food or medicine. For Burke, the farmer, merchant, and manufacturer furnish greater practical advantages to man than abstract philosophers or rulers. Tilling and trading puts food on people’s tables. Theorizing does not.<sup>1641</sup>

Burke recognizes a similar pattern in the Carnatic region, in southern India. “It may be affirmed universally, that not one person of substance or property, landed, commercial, or monied, excepting two or three bankers...is left in all that region,” he says.<sup>1642</sup> Burke’s insights into the agricultural economy of the Carnatic are particularly illuminating, for he stresses that the local knowledge of the natives—“Gentûs”—enabled them to use natural resources to the advantage of industry, and with spiritual sanction at that. “...[T]he moisture, the bounty of Heaven, is given but at a certain season,” he states.<sup>1643</sup> “Before the aera of our influence, the industry of man carefully husbanded that gift of God.”<sup>1644</sup> Burke echoes his

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<sup>1639</sup> Langford, *Writings and Speeches*, V, 408.

<sup>1640</sup> Langford, *Writings and Speeches*, VIII, 111. It must be stressed that Burke’s pejorative reference to the “professor of metaphysics” is a specific rebuke to Jacobins, not to the classical and scholastic traditions of philosophy.

<sup>1641</sup> Burke also makes a point to mock the Company for attempting to eradicate the seemingly noxious practices of Khan. “...[C]onscious that the prevention of evils is the great object of all good regulation, [Company officials] deprived him of the means of increasing that criminal cultivation [of land] in future, by exhausting his coffers...” Burke writes with sarcasm. These “evils” carried out by Khan also included sheltering refugee farmers and laborers. See Langford, *Writings and Speeches*, V, 410.

<sup>1642</sup> Langford, *Writings and Speeches*, V, 422.

<sup>1643</sup> Langford, *Writings and Speeches*, V, 422.

<sup>1644</sup> Langford, *Writings and Speeches*, V, 422.

belief he previously expressed in *Two Letters* that nature was supplied by God for man's use. He also is hinting at the wisdom of native cultivators in exploiting that gift to their benefit.

Burke's appreciation for the sagacity of the natives becomes even clearer in his discussion of their conservation of rain for their irrigation system. "The Gentûs preserved, with a provident and religious care, the previous deposit of the periodical rain in reservoirs, many of them works of royal grandeur; and from these, as occasion demanded, they fructified the whole country," he observes.<sup>1645</sup> Moreover, "To maintain these reservoirs, and to keep up an annual advance to the cultivators, for seed and cattle, formed a principal object of the piety and policy of the priests and rulers of the Gentû religion."<sup>1646</sup> Once again, Burke displays his Hayekian inclination in commending the local knowledge and shrewdness of natives that made efficient use of natural resources. In his judgment, the East India Company's mismanagement of the local economy upended this entire process of cultivation, throwing landowners, merchants, and farmers into ruin.

For Burke, Indians' settled estates were seized and converted into instruments for personal financial gain under the direction of the British ruling power. In *Speech on Fox's India Bill*, Burke favorably compares *zamindars* of Bengal with France's landed aristocracy at the time. Bengal and its provinces "once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of freeholders, of lower tenants, of religious communities, and public foundations."<sup>1647</sup> Yet after Warren Hastings became president of Bengal, these lands were

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<sup>1645</sup> Langford, *Writings and Speeches*, V, 422.

<sup>1646</sup> Langford, *Writings and Speeches*, V, 422.

<sup>1647</sup> Langford, *Writings and Speeches*, V, 425.

auctioned off for five-years leases. Hastings set up “the whole nobility, gentry, and freeholders, to the highest bidder.”<sup>1648</sup>

This process showed no respect to the ancestral possessions of Indian land, the sting of avarice infecting the settled traditions of Bengal’s past. “No preference was given to the ancient proprietors,” Burke says. “They must bid against every usurer, every temporary adventurer, every jobber and schemer...”<sup>1649</sup> Notice the analogue between this description and his repudiation of Jacobin revolutionaries in *Reflections*: in both cases, traditional landowners were being threatened by monied enthusiasts scheming to make a profit. While Burke’s comparison between the French aristocracy and Bengali landowners was simplistic, he was correct in calling attention to the East India Company’s harming of the *zamindars*, who were uprooted from their land following Hastings’ scheme, at least for a limited time.<sup>1650</sup>

In addition to assailing the East India Company for displacing Indian landed proprietors, Burke provides an interesting comment on middlemen that is a precursor to his defense of traders in *Thoughts and Details*. British administrators in Bengal “adopted, as a fixed plan of policy, the destruction of all intermediate dealers between the Company and the manufacturer.”<sup>1651</sup> Consequently, “native merchants have disappeared of course.”<sup>1652</sup> Burke conveyed in *Thoughts and Details* that middlemen perform an important role in market economies in helping distribute resources in an efficient manner. He is making the same observation in *Speech on Fox’s India Bill*; Indian middlemen exercised a critical function in the circulation of goods, and yet the East India Company’s monopoly destroyed them.

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<sup>1648</sup> Langford, *Writings and Speeches*, V, 426.

<sup>1649</sup> Langford, *Writings and Speeches*, V, 426.

<sup>1650</sup> Langford, *Writings and Speeches*, V, 426n3.

<sup>1651</sup> Langford, *Writings and Speeches*, V, 427.

<sup>1652</sup> Langford, *Writings and Speeches*, V, 427.



**f. When Politics and Commerce Mix: The Control of Natural Resources, Avarice, and Arbitrary Rule**

There is one main theme that binds together all of Burke's comments on the East India Company: the arbitrary intervention of political matters into economic affairs is a destructive force in the community. This adulteration discourages individuals' ability to cultivate natural resources, promotes flawed investment schemes, invites financial corruption, and fuels avarice. In short, if a power controls politics, it can control economics as well. "It is impossible that the small Part of the Trade should not fall into the Hands of those who with the name and Authority of the governing Persons have such extensive Contracts in their Hands," he writes in *Ninth Report*.<sup>1653</sup> Burke does not contend that politics and economics should be completely separated, but he does argue forcefully that market activity should be preserved a zone of autonomy secure from the capricious designs of political schemers—in this case, the Company.

Burke's comments in *Speech on Nabob of Arcot's Debts*, which addresses the debts of the Nabob of Arcot<sup>1654</sup> to European creditors,<sup>1655</sup> demonstrate this belief. In the speech,

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<sup>1653</sup> Langford, *Writings and Speeches*, V, 269.

<sup>1654</sup> Arcot was the capital of the Carnatic.

<sup>1655</sup> The Nawab of Arcot had waged military campaigns with financial backing from the East India Company in order to widen his territorial base. The British government recognized the need to formally acknowledge and authorize repayment of the debts under the management of the East India Company. In 1784, the Court of Directors proposed to use the revenue of the Carnatic to pay the debts, upon careful examination of the fund in which the revenue would be deposited. The Board of Control took out the requirement for examination and called for the full repayment of the debts of the nawab, which had been consolidated by European creditors. In *Speech on Nabob of Arcot's Debts*, Burke contends that the vast majority of the debts was the product of fraudulent dealing between Europeans and the Nawab. (Burke exaggerates the extent of the seeming fictitious debt.) He also posits that the acceptance of debt repayments stunk of corruption between creditors who had backed Pitt in the 1784 election and the Pitt ministry. See Langford, *Writings and Speeches*, V, 478-79.

given on 28 February 1785, Burke accentuates how the use of natural resources should not be subject to political domination. He expresses this point with reference to the Raja of Tanjore, who had led the quasi-state in the Carnatic before it was conquered by the East India Company and transferred to the Nawab of Arcot. Tanjore consisted of fertile land, and the Cauvery River flowed through it, providing a rich source for the area's irrigation system. Debate persisted about whether the Raja held the authority to use the land surrounding the river for cultivation and repair.<sup>1656</sup>

Burke first states that the “kingdom depends on its control over the river Cavery.”<sup>1657</sup> He is now poised to declare his opposition to the intrusion of politics into the cultivation of natural resources:

The benefits of Heaven to any community, ought never to be connected with political arrangements, or made to depend on the personal conduct of princes; in which the mistake, or error, or neglect, or distress, or passion of a moment on either side, may bring famine on millions, and ruin an innocent nation perhaps for ages. The means of the subsistence of mankind should be as immutable as the laws of Nature, let power and dominion take what course they may.<sup>1658</sup>

These are some of Burke's most neglected, yet most telling, remarks concerning his conception of political economy. The most important one is his first point: the spiritual bestowal of benefits—ostensibly natural resources—to a community should not be linked to political schemes. Local producers should be preserved the autonomy to use these gifts. The whims of princes should not determine the cultivation of resources. Notice Burke's reference to “ought”; this belief is a firm normative statement, not a statement of fact or feeling.

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<sup>1656</sup> See Langford, *Writings and Speeches*, V, 537n1; and Langford, *Writings and Speeches*, V, 586-87.

<sup>1657</sup> Langford, *Writings and Speeches*, V, 537.

<sup>1658</sup> Langford, *Writings and Speeches*, V, 537.

Burke's following comments outline his contention that the political control of economic resources could produce disastrous consequences. Political arrangements cause gross mismanagement—"mistake[s]" and "error[s]" and "neglect"—and stir up unrestrained passions. More significant, these arrangements could threaten the very existence of human beings by creating the conditions for famine, like the Bengal famine of 1770, thereby wrecking the nation. Burke indicates that such a calamity like famine would occur if the natural means of subsistence—the freedom to cultivate—were disrupted by political control. He then underlines his endorsement of the laws of nature to justify his support for the operation of economic activity independent of political forces. Burke's reference to "immutable" further stresses his unequivocal belief in this proposition. In essence, Burke is spotlighting a principal tenet of his theory of political economy: individuals should be allowed to exploit natural resources free from the control of political leaders.

Burke expresses this principal consistently throughout his public career. His fight for liberal trade amongst nations and colonies; his opposition to the domestic regulation of the provision trade; and his advocacy of supply and demand laws are all threads of his wider conclusion that the exploitation of economic activity for arbitrary political gain was wrong and counterproductive. This is not to say that Burke severed any connection between politics and economics; as mentioned, he did support the Navigation Acts, at least provisionally, for the purposes of the national interest. It is, however, to highlight a claim he repeated throughout his adult life: political control over the flow of goods could impose calamitous results on the community.

This conviction is underlined by Burke's additional remarks in *Speech on Nabob of Arcot's Debts*. "The use of this river is indeed at length given to the Rajah, and a power provided for its enjoyment *at his own charge*; but the means of furnishing that charge (and a

mighty one it is) are wholly cut off,” Burke says.<sup>1659</sup> He continues: “This use of water, which ought to have no more connexion than clouds and rains, and sunshine, with the politics of the Rajah, the Nabob, or the Company, is expressly contrived as a means of enforcing demands and arrears of tribute.”<sup>1660</sup> The use of the river’s water should not be determined by political rulers or monopolistic companies. Political force disturbs natural cultivation.

The additional question Burke confronts about the improper mixing between politics and economics is whether commerce should be the source of revenue, or revenue for commerce. Put another way, should economic growth be the genesis for revenue collection, through, say, moderate taxation, or should the distribution of revenues through high taxation be relied on to spur economic growth? In his commentary on British India, and in his writings and speeches addressing other topics, Burke conveys sympathy for the former; an economic environment that allows commerce to flourish will provide a sufficient amount of revenue. This is what Burke calls a “commercial”<sup>1661</sup> principle: first establish commerce, then revenue will follow.

Burke draws attention to this commercial principle in *Ninth Report*. He criticizes the East India Company, and other European chartered companies, for using their revenue in India as a source of capital investment for trade: “the whole Foreign Maritime Trade, whether English, French, Dutch, or Danish, arises from the revenues; and these are carried out of the Country, without producing any Thing to compensate so heavy a Loss.”<sup>1662</sup> The companies in turn rejected “a Principle merely Commercial.”<sup>1663</sup> The revenue in other

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<sup>1659</sup> Langford, *Writings and Speeches*, V, 537.

<sup>1660</sup> Langford, *Writings and Speeches*, V, 537.

<sup>1661</sup> Langford, *Writings and Speeches*, V, 227.

<sup>1662</sup> Langford, *Writings and Speeches*, V, 227.

<sup>1663</sup> Langford, *Writings and Speeches*, V, 227.

countries, however, “following the natural Course and Order of Things, arises out of their Commerce.”<sup>1664</sup> Burke’s reference to “natural [c]ourse” signals his championing of the idea that market activity should be preserved in its natural—i.e. free—state. It also denotes a belief in the virtues of liberal trade, unhampered by the hand of the state, in providing a vibrant market for goods and monetary recompense. Thus the state will have ample opportunity to extract revenue from an economy that is already bustling.

That the East India Company implemented the opposite policy—collect as much revenue as possible to drive its investment in trade—penetrates to the core of Burke’s critique of the Company: by improperly mixing political and economic power, it transformed from a commercial enterprise into a despotic government. “The constitution of the Company began in commerce and ended in Empire,” Burke says in his speech on the impeachment of Hastings on 15 February 1788.<sup>1665</sup> The corporation’s chartered purpose to pursue trade in India that would advantage Britain collapsed into a license to rule with an clenched fist over natives. Its autocratic rule shredded the bonds of trust with Indians and, by perverting supply and demand principles, subverted its own mandate to trade on behalf of Britain. In short, the Company converted from a *de facto* commercial monopoly<sup>1666</sup> to a *de jure* political monopoly.

Further clarification is required regarding Burke’s thought on the relationship between politics and economics in regard to the East India Company. In his 15 February speech, which lasted almost three hours,<sup>1667</sup> Burke emphasizes that the *political* authority of

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<sup>1664</sup> Langford, *Writings and Speeches*, V, 227.

<sup>1665</sup> Langford, *Writings and Speeches*, VI, 283.

<sup>1666</sup> Note that Queen Elizabeth could not legally grant the Company a true monopoly over trade.

<sup>1667</sup> Langford, *Writings and Speeches*, VI, 283.

the Company was rooted in its original royal charter and subsequent parliamentary approval, which started in 1698.<sup>1668</sup> In this case, then, political sanction preceded commercial activity. But, Burke contends, once this initial approval by the Crown and Parliament took place, the Company should have fulfilled its exclusive purpose of trading in the East Indies. Instead, it was authorized by subsequent charters in the seventeenth century to strengthen its military muscle, expand its civil and criminal jurisdiction over natives, and adopt the powers of a sovereign. By the end of the reign of Charles II, Burke says in his 15 February speech, the Company “did not seem to be merely a Company formed for the extension of the British commerce, but in reality a delegation of the whole power and sovereignty of this kingdom sent into the East.”<sup>1669</sup> By venturing far beyond its commercial objective, the Company assumed the *political* role of serving as the domineering ruler over native Indians, in effect renouncing the purpose of its original charter and seeking to increase its capital through revenue. In this case, then, it prioritized the political dimension of ruling over its original aim of trading.

For Burke, such convergence of political and economic activities augmented the East India Company with a power that was anathema to traditional jurisprudence. “It became that thing which was supposed by the Roman Law so unsuitable, the same power was a Trader, the same power was a Lord,” he says in the speech.<sup>1670</sup> This clout allowed the Company to set price controls, usurp property, regulate the cultivation of crops, and carry out a host of other autocratic rules that hardened its economic and political domination over Indians. Of

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<sup>1668</sup> Langford, *Writings and Speeches*, VI, 280.

<sup>1669</sup> Langford, *Writings and Speeches*, VI, 283.

<sup>1670</sup> Langford, *Writings and Speeches*, VI, 283.

course, as Burke accentuates in his commentary on India, these despotic measures were self-defeating.

Burke's reflections on India also examine the related consequences stemming from the repugnant combination of political and economic monopoly, such as extortion, bribery, and collusion, not only amongst East India Company traders but also between British and Indian rulers. Burke's assault on Hastings highlights this pattern of peculation. Hastings "formed Plans and Systems of Government for the very purpose of accumulating bribes and presents to himself."<sup>1671</sup> Burke's acute skepticism of the Nabob of Arcot's debts is an additional example of his concern for corruption. "[T]he Nabob of Arcot and his creditors are not adversaries, but collusive parties, and that the whole transaction is under a false colour and false names," he insists in *Speech on Nabob of Arcot's Debts*.<sup>1672</sup>

Furthermore, crooked political deals damaged the "public revenues" and hurt "the miserable inhabitants of a ruined country..."<sup>1673</sup> Burke continues: "It is therefore not from treasuries and mines, but from the food of your unpaid armies, from the blood withheld from the veins, and whipt out of the backs of the most miserable of men, that we are to pamper extortion, usury, and peculation, under the false names of debtors and creditors of state."<sup>1674</sup> Infecting economic activity with political monopoly cripples the financial health of a state and hurts those who are most vulnerable: ordinary people without political or economic power—in this case, native Indians who were not local rulers.

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<sup>1671</sup> Langford, *Writings and Speeches*, VI, 376.

<sup>1672</sup> Langford, *Writings and Speeches*, V, 496. Remember that Burke most likely exaggerated the fraudulence of these debts.

<sup>1673</sup> Langford, *Writings and Speeches*, V, 496.

<sup>1674</sup> Langford, *Writings and Speeches*, V, 496.

*Avarice*

Burke's treatment of the East India Company's fusion of political and commercial capacities indicates a possible contradiction in his philosophy of political economy. Burke was a firm believer in "laudable avarice"<sup>1675</sup> for setting in motion the great wheel of circulation in market economies. Indeed, he defends the "excessively avaricious"<sup>1676</sup> farmer in *Thoughts and Details*. In Burke's judgment, laudable avarice was the spark behind the efficient allocation of resources and public opulence. Yet, in his speeches on the impeachment of Hastings, Burke denounces Hastings for spreading the poison of avarice throughout India. "There is a pollution in the touch, in the principle of that Governor who makes nothing but money his object," he says in referring to Hastings.<sup>1677</sup> His "great ruling principle" is "money."<sup>1678</sup> Moreover, "It is the vice of base avarice, which never is, nor ever looks to the prejudices of mankind, to be any thing like a virtue."<sup>1679</sup>

Burke's seemingly different positions on avarice can be reconciled in the following sense: avarice in the context of market economies is tenable, even praiseworthy, because the structure of incentives connects the pursuit of self-interest with the well-being of other market participants. As Burke writes in *Thoughts and Details* in regard to the "excessively avaricious" farmer, "the more he desires to increase his gains, the more interested is he in the good condition of those, upon whose labour his gains must principally depend."<sup>1680</sup>

In *Speech on Fox's India Bill*, Burke goes so far as to defend the avarice of Tartary invaders into India. Even while acknowledging their rapacity, Burke admits that, "with few

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<sup>1675</sup> See Langford, *Writings and Speeches*, IX, 477.

<sup>1676</sup> See Langford, *Writings and Speeches*, IX, 477.

<sup>1677</sup> Langford, *Writings and Speeches*, VI, 376.

<sup>1678</sup> Langford, *Writings and Speeches*, VI, 377.

<sup>1679</sup> Langford, *Writings and Speeches*, VI, 377.

<sup>1680</sup> Langford, *Writings and Speeches*, IX, 126.



political checks upon the power, Nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country flourished.”<sup>1681</sup> Indians still retained the freedom to acquire and produce in equitable market economies guided by the hand of nature. More so, the impulse to acquire was the trigger for economic growth: “Even avarice and usury itself operated, both for the preservation and the employment of national wealth.”<sup>1682</sup> Avarice in a climate conducive to commerce engenders benefits to community members.

Yet avarice in an environment of political and economic monopoly breeds corruption and speculation, in turn destroying the local economy to the benefit of its greedy rulers. Hastings “squeezed more money out of the inhabitants of the Country than other persons could have done, money got by oppression, violence, extortion of the poor, or the heavy hand of power upon the rich and great.”<sup>1683</sup> The Company’s monopoly fed an avarice that felt no economic or moral pull to reciprocate natives for the corporation’s plunder: “England has erected no churches, no hospitals,<sup>1684</sup> no palaces, no schools; England has built no bridges, made no high roads, cut no navigations, dug out no reservoirs,” Burke says.<sup>1685</sup> The failure to build any charitable institutions or public construction projects symbolized how avarice eroded the trust between the Company and India and sabotaged the common welfare.

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<sup>1681</sup> Langford, *Writings and Speeches*, V, 401-02.

<sup>1682</sup> Langford, *Writings and Speeches*, V, 402.

<sup>1683</sup> Langford, *Writings and Speeches*, VI, 376-77.

<sup>1684</sup> The published version of Burke’s speech includes a footnote in reference to hospitals: “The paltry foundation at Calcutta is scarcely worth naming as an exception.” Langford, *Writings and Speeches*, V, 402.

<sup>1685</sup> Langford, *Writings and Speeches*, V, 402.

The contrast between this type of avarice and Burke's "laudable avarice" is clear: political avarice unchecked by market constraints, renouncing any concern for the people, undermines the public good and creates clearly defined winners and losers. Avarice manifested in market economies, however, confers benefits to traders because of the element of reciprocity; an individual can be as greedy as he wants, but he will struggle to obtain money unless he furnishes a service to others. The further implication, Burke suggests, is that the power of market reciprocity diminishes the likelihood for plunder and extortion, while the absence of reciprocity increases the chances for corruption perpetrated by rulers—like Hastings.

Therefore, in Burke's judgment, political monopoly over an economy leads to the scourge of stable commonwealths and vibrant markets: the exercise of arbitrary rule. The "principles upon which Mr Hastings governed his conduct in India, and upon which he grounds his defence" can be "reduced to one short word, *Arbitrary Power*."<sup>1686</sup> Most important in the context of Burke's political economy, arbitrary power threatens property. "Law and arbitrary power are at eternal enmity," Burke says in his 16 February speech on Hastings' impeachment. "Name me a Magistrate, and I will name property."<sup>1687</sup> Burke's point is that the steady, regular enforcement of law protects the citizen's possession of his land. This remark also indicates his heightened consciousness of the distinction between liberal economies and anarchy: the former requires the state—i.e. government officials—to use its legal authority to safeguard land, while the latter advocates the overthrowing of law. Here, then, does the nexus between law and economics in Burke's political economy connect to his thoughts on property articulated elsewhere throughout his public career: the consistent

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<sup>1686</sup> Langford, *Writings and Speeches*, VI, 374.

<sup>1687</sup> Langford, *Writings and Speeches*, VI, 351.

enforcement of law protects a commonwealth from the despotism of arbitrary rule, thereby sustaining the right to private property.

The origin of law, moreover, derives not from statutes or legal decisions but from nature and God.

We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to our very belief itself, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts. On the contrary, it gives to our conventions and compacts all the force and sanction they can have. It does not arise from our vain institutions. Every good gift is of God; all power is of God; and He who has given the power and from whom it alone originates, will never suffer the exercise of it to be practiced upon any less solid foundation than the power itself.<sup>1688</sup>

Property can be traced ultimately to man's Creator. Arbitrary government violates property, and thus violates natural law and the law of God. "[N]o man can succeed to fraud, rapine and violence; neither by compact, covenant or submission, nor by any other means can arbitrary power be conveyed to any man," he says in his 16 February speech.<sup>1689</sup> No man has a lawful right to contravene the will of God.

These comments signal Burke's flirtation with Lockean notions on the right to resist oppressive government. At face value, the moral implication of Burke's remarks is unambiguous: because arbitrary rule contradicts natural law and the law of God, men hold the moral imperative to resist despotism. Burke almost admits as much: "Those who give and those who receive arbitrary power are alike criminal, and there is no man but is bound to resist it to the best of his power wherever it shall shew its face to the world." In addition, "Nothing but absolute impotence can justify men in not resisting it to the best of their

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<sup>1688</sup> Langford, *Writings and Speeches*, VI, 350.

<sup>1689</sup> Langford, *Writings and Speeches*, VI, 351.

power.”<sup>1690</sup> Unless they are impotent, Burke suggests, men possess an unassailable duty to fight arbitrary rule.

Because Burke was not a strict philosopher, he does not, in his speeches on the Hastings impeachment or elsewhere, spell out the specific conditions under which the persecuted people should resist. Furthermore, Burke’s emphasis on natural law over prescription in his 16 February speech differs from his stress of prescription in *Reflections*, and in the *Nullum Tempus* affair. Yet his remarks on property throughout his adult life retain the consistent argument that the genesis of property rights resides in nature, not convention, and that individuals have the moral sanction of natural law to challenge arbitrary rule, whether incrementally or all at once.

#### **g. Conclusion**

Burke’s investigation into British-Indian relations was marred at times by hyperbole, distortion, and oversimplification. Burke had never been to India, and therefore was forced to rely extensively on the secondhand reports of British officials returning from the subcontinent, such as Philip Francis. In addition, Burke’s Manichean picture of a ruthless British institution exploiting helpless Indian natives has not held up in light of later historical research.<sup>1691</sup> Burke’s committee reports and speeches were also articulated in an inescapable political environment, one in which Burke was in the opposition in Parliament.

Even with these limitations, Burke’s commentary on Indian affairs was exhaustive at the time. The sheer amount of fact-based details he included in his committee reports and speeches would be impressive in any era—particularly for someone with no real political

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<sup>1690</sup> Langford, *Writings and Speeches*, VI, 351.

<sup>1691</sup> Lawson, *The East India Company*, 70.

incentive to acquire it. “For any major political figure to become an expert on India in the 1770s was unusual; for a man in opposition without any direct administrative responsibility to do so was wholly unprecedented,” P.J. Marshall writes.<sup>1692</sup> In his seminal study *The Economic History of British India*, distinguished economic historian Romesh Chunder Dutt favorably referenced Burke and his *Speech on Fox’s India Bill* for his analysis of the drain of wealth from India. He wrote of Burke’s speech, “[I]t is doubtful if even that great orator ever spoke anything more forcible, more eloquent, and more true, within the whole course of his brilliant parliamentary career.”<sup>1693</sup> Dutt quoted from *Ninth Report* extensively in *Economic History of British India* when discussing the Company’s impoverishment of India.<sup>1694</sup> James Mill also cited Burke heavily, including *Ninth Report*, in his influential *The History of British India*, particularly in volume five.<sup>1695</sup> Burke’s arguments on India were not necessarily original. But the fact that these prominent thinkers on British India made consistent references to Burke’s analysis suggests that his commentary on India should be taken seriously.

Burke’s reflections on the Indian economy offer a particular opportunity to trace the development of his thought on the relationship between commerce and politics. For example, one detects a strong convergence between Burke’s observations on the East India Company’s rule and his commentary elsewhere on markets and landed property. The French Revolution is one such example. For Burke, in both cases a monied interest sought to

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<sup>1692</sup> Langford, *Writings and Speeches*, V, 3.

<sup>1693</sup> Romesh Chunder Dutt, *The Economic History of British India: A Record of Agriculture and Land Settlements, Trade and Manufacturing Industries, Finance and Administration* (London: Kegan Paul, Trench, Trübner & Co., 1902), 49.

<sup>1694</sup> Dutt, *Economic History of British India*, 48-50.

<sup>1695</sup> James Mill, *The History of British India in Six Volumes* (London: Baldwin, Cradock, and Joy, 1826), accessed February 4, 2017, <http://oll.libertyfund.org/titles/mill-the-history-of-british-india-6-vols-1826>.

influence government policy through patronage and pecuniary aims. The seizure of estates by despotic forces led to the monetization of land, damaging not only the landed interest but the commercial interest as well. These despotic powers—the Company and the National Assembly—disturbed the flow of economic activity and deracinated the settled traditions of communities. Their arbitrary rule reflected the growing concentration of power from localities to a centralized institution: the corporation and Jacobins in government attempted to eliminate the layers of political authority that shaded the common people from the might of the state. In doing so, they made the people servile to the rulers. This abuse of power frayed the implicit *trust* between rulers and the ruled that was essential, in Burke's judgment, to sustaining a strong and free political community. Read in light of Burke's reflections on British-Indian relations, then, *Reflections* represents continuities with his earlier comments on the political economy of India.

In addition, consider one of the most significant arguments Burke conveys in *Thoughts and Details*: the liberal circulation of goods tends to benefit the trading parties involved. He applies this principle not only to England's domestic grain trade but also to his analysis of British trade relations with America, Ireland, and the European powers in the West Indies. In the case of the Free Port Act of 1766, he desired to connect the interests of British traders in the West Indies with American and European merchants. In his *Speech on Conciliation with America*, he argued that growing commercial prosperity brought advantages to both the American colonies and Britain. In regard to Ireland, Burke intended to enhance Irish and British commercial intercourse by lowering trade barriers between the two countries.

Consequently, for Burke, if Indian natives were allowed to trade freely according to the natural laws of supply and demand, an identity of interest would emerge between

English and native traders. Burke conveys this reasoning by explaining how the iron hand of the East India Company's monopoly induced zero-sum consequences: what was gained by British officials was taken away from the natives. "Every rupee of profit made by an Englishman is lost for ever to India," Burke says in *Speech on Fox's India Bill*.<sup>1696</sup> The Company's distortion of supply and demand principles removed the element of reciprocity from its commercial transactions, thereby restricting Indians' ability to reap rewards for their labor.

The undermining of reciprocity instigated further tensions between East India Company traders and natives. "While the far greater Part of the British in India were in eager Pursuit of the forced and exorbitant Gains of a Trade carried on by Power," Burke observes in *Ninth Report*, "Contests naturally arose among the Competitors..."<sup>1697</sup> Indian traders became "Rivals"<sup>1698</sup> to British merchants, and complained to the Company's Court of Directors of the abuse. Burke indicates a keen awareness of the irony of market competition: while markets create incentives for producers and traders to compete with each other, competition promises mutual benefits to transacting parties. Thus, according to Burke, it does not produce winners and losers. Yet in the case of British India, the political control of competition *did* generate winners and losers, because the Company held the power to twist supply and demand laws in a way that would ostensibly advance its own interests at the expense of native traders. For Burke, market competition soothes social harmony, while its absence encourages conflict and rivalry.

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<sup>1696</sup> Langford, *Writings and Speeches*, V, 402.

<sup>1697</sup> Langford, *Writings and Speeches*, V, 246.

<sup>1698</sup> Langford, *Writings and Speeches*, V, 246.

Of course, Burke observed that the East India's monopoly was ultimately counterproductive, since the zero-sum struggle between British and native traders in India actually compromised the integrity of British public finance and thwarted its commercial prosperity. According to Burke, the fortunes of the Company were bound up with the fortunes of the natives, and the suffering of the latter would necessarily effect the state of the former. "The Whole of this History will serve to demonstrate," *Ninth Report* states regarding the Company's flawed investment in the raw silk trade, "that all Attempts, which in their Original System, or in their necessary Consequences, tend to the Distress of India, must, and in a very short Time will, make themselves felt, even by those in whose Favour such attempts have been made."<sup>1699</sup> The negative impact of monopolistic practices on Indian merchants would be experienced by British traders as well.

This is why Burke insists that the recovery of the East India Company's lawful powers and the relaxation of its control of trade would benefit both Britain and India, rather than serve as a prelude to the Company's downfall. In *First Report Select Committee: 'Observations,'*<sup>1700</sup> the first study issued by the Select Committee on India on 5 February 1782, he writes, "There is nothing which can strengthen the just Authority of Great Britain in India, which does not nearly, if not altogether, in the same Proportion, tend to the Relief

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<sup>1699</sup> Langford, *Writings and Speeches*, V, 258.

<sup>1700</sup> The report addresses the new civil court in Calcutta, the *Sadr Divani Adalat*, that had been formed in October 1780. The East India Company held the responsibility to reform the civil court system in Bengal, so Hastings had selected Sir Elijah Impey to be the judge of the *Sadr Divani Adalat*. This raised concerns about a conflict of interest: how would Impey be able to exercise independent judgment on legal matters relating to the Company if he was being paid by the corporation to serve on one of its established courts? Hastings' squabbles with Impey regarding the jurisdiction of the Supreme Court, on which Impey served as Chief Justice, raised questions of impropriety. Impey's conflicting judicial responsibilities as both head of the new civil court and as Chief Justice also drew concern. See Langford, *Writings and Speeches*, V, 144-45; and Bourke, *Empire & Revolution*, 550-51.



of the People...”<sup>1701</sup> Removing the Company’s capacity to exercise arbitrary power would recover to Indians the freedom they had once possessed. The interests between an imperial power and its subjects need not be antagonistic if their self-interests can be reconciled through mediums of reciprocal advantage, such as commercial exchange. “[N]othing which renders those, who exercise the subordinate Trusts of Power, less responsible, or less obedient to the Government from whence that Power is derived...which does not tend to depress the Minds, and destroy the Prosperity, of the Natives,” he writes.<sup>1702</sup> In short, commercial freedom could help transform market actors from different cultural backgrounds into friends—an anticipation of Hayek’s idea of *catallaxy*.<sup>1703</sup>

This last point is essential to understanding the multiple dimensions of Burke’s economic thought. On a surface level, as this dissertation has shown, Burke defended supply and demand laws, freedom of contract, liberal trade, limited government regulations, the competitive price system, and a market for wages. But Burke also intimates in his discussion on British-India relations that commercial exchange did not hold biases against one culture or another; voluntary trade carried out in accord with supply and demand principles conferred fruits upon traders regardless of racial, ethnic, or religious background. Indians were certainly not European, and yet Burke argues vociferously that they stood to benefit from market competition, as did the British.

Therefore, Burke’s exceeding skepticism of zero-sum thinking provides a clue into his broader *cosmopolitan* inclinations in regard to political economy. His parliamentary activity promoting greater commercial intercourse among peoples, including those with varying

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<sup>1701</sup> Langford, *Writings and Speeches*, V, 179.

<sup>1702</sup> Langford, *Writings and Speeches*, V, 179.

<sup>1703</sup> See “Rationalism and the Hayek Connection,” Chapter 3.

heritages, illustrates a conviction that commercial exchange can overcome cultural differences by providing a common medium of exchange. The attraction to profit is a universal human instinct; liberal markets allow this impulse to help advance the greater good through the dispensation of material reward to people from wide-ranging political and religious communities. This gift of reciprocity was part of Burke's conception of "the law of common justice which cements them to us and us to them,"<sup>1704</sup> with reference to British-Indian affairs. Such reasoning is further evidence that Burke's approach to commerce is more complicated than J.G.A. Pocock's theory suggests; Burke believed that economics required the precondition of manners, but he also indicated that commerce can *promote* harmony and virtue.

Exploration of Burke's enlightened cosmopolitanism in the context of political economy would not be complete without noting his beliefs in natural rights and natural law. Burke was not an orthodox natural law thinker, but this does not mean he repudiated the role of nature in economic matters. In his view, people regardless of cultural heritage held the natural right to produce and reap what they sowed. As this dissertation has shown, he invoked this thinking to justify his defense of commercial freedom, ranging from the rights of Irish Catholics to the rights of English middlemen to the rights of Indian traders. According to Burke, this natural right was not inviolable, but it was the starting point at which all subsequent discussion of economic regulations should begin. Poor Indians had just as much of a right to work and earn a profit as affluent British.

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<sup>1704</sup> Langford, *Writings and Speeches*, VI, 279.

## Chapter 9: *Speech on Economical Reform*, Slavery, and the Role of Government

### a. Introduction

Burke's defense of the East India Company indicated that he did not oppose all forms of government involvement in the economy. Even though he was an unapologetic proponent of market liberalism, he held that there was a role—an important role—for the state in civil society. Burke touched upon this issue briefly in *Thoughts and Details*, arguing that government should provide for the common defense, maintain order, charter corporations, and raise revenue. Nevertheless, Burke does not offer a sufficient explanation of these roles in the tract, which is not surprising considering the memorial's *ad hoc* nature.

Burke's *Speech on Economical Reform* helps fill this gap by giving definition to his conception of the state. Presented on 11 February 1780, it is one of his most impressive oratorical attempts. The speech spanned over three hours<sup>1705</sup> and was presented to an unusually crowded audience in the House of Commons.<sup>1706</sup> At the time of Burke's speech, in the backdrop of the British government's previous imposition of costly taxes to finance loans for its (failed) war against the Americans, Britons' faith in government had declined due to their perception that it was politically corrupt and financially undisciplined. Reform movements emerged in public and in Parliament that desired to combat such odious patterns of malfeasance. Above all else, the chief concern of the movements was the malign influence of the Crown over political affairs. In this unfolding political setting, Burke and the

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<sup>1705</sup> The following sources were used for background information on the political context of *Speech on Economical Reform*: Langford, *Writings and Speeches*, III, 30-35; Langford, *Writings and Speeches*, IV, 46, 65; Lock, *Edmund Burke*, vol. I, 446-59; and Bourke, *Empire & Revolution*, 425-28.

<sup>1706</sup> Lock, *Edmund Burke*, vol. I, 449.

Rockingham Whigs, the opposition party, seized the opportunity to fight the excesses of King George III by advancing a plan for economical reform.<sup>1707</sup>

In *Speech on Economical Reform*, Burke submits a range of measures for the foremost purpose of tempering the influence of the king over MPs in Parliament.<sup>1708</sup> He also intended to place the British state on firmer financial footing and recover the spirit of constitutional government. Burke proposes seven “fundamental rules”<sup>1709</sup> for this plan of reform, embodied in a series of bills, that in his estimation would lower expenditures by at least £200,000: 1) abolish expensive jurisdictions; 2) dispose of costly and corrupt landed estates of the Crown; 3) take away or consolidate unnecessary offices; 4) eliminate offices that obstruct the efficient superintendence of finance; 5) establish a consistent and impartial system for payments; 6) reduce establishments to “certainty”; and 7) dissolve subordinate treasuries.<sup>1710</sup> According to Burke, these measures would cut off the British government’s bureaucratic flab and reduce the sinecures tied to the Crown’s noxious influence. In modern parlance, Burke aimed to reduce waste, fraud, and abuse. Keep in mind, however, that his deeper motivation was to constrain royal corruption, the touchstone of the Rockingham Whigs’ political resistance to the king.

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<sup>1707</sup> The meaning of “economical” in the context of Burke’s *Speech on Economical Reform* was characterized more by an ethic of frugality rather than a broader philosophical perspective on markets, commerce, and contractual liberty.

<sup>1708</sup> See also a different speech of Burke’s on government reform, *Speech on Economical Reform Bill*, given on 15 February 1781, in Langford, *Writings and Speeches*, IV, 46-65, in particular pages 51-52: “...[B]ut what he valued more than all this saving, was the destruction of an undue influence over the minds of fifty members of Parliament in both Houses.” This second speech does not delve into as much detail on Burke’s proposals as his speech on 11 February 1780.

<sup>1709</sup> Langford, *Writings and Speeches*, III, 496.

<sup>1710</sup> Langford, *Writings and Speeches*, III, 496-97.

Yet *Speech on Economical Reform* does more than present a laundry list of government offices and agencies to cut. It also unmask clues into Burke's conclusions about markets and contracts that have been neglected by secondary accounts of the speech. Furthermore, it provides noteworthy comments on his philosophy of institutional reform that are in agreement with his beliefs on incremental commercial reform. Ultimately, in the context of his political economy, *Speech on Economical Reform* is as significant for what it defends as for what it seeks to change: by calling to reform the British government, Burke is asserting his belief *in* the state as an indispensable part of civil society. For him, tightening the scope of government would create the institutional conditions necessary for public officials to carry out their responsibilities effectively. A leaner bureaucracy breeds a better state.

**b. *Speech on Economical Reform I: Private Land, Contracts, and the Board of Trade***

Burke's fondness for markets and contracts in *Speech on Economical Reform* becomes palpable in his discussion of the landed possessions of the Crown. While Burke was a firm defender of ecclesiastical and aristocratic estates for serving as stabilizing presences in a political community, he did not believe the same held true for royal land: in his speech, Burke proposes to sell off Crown property to the private market because the landed estate of the king was "certainly the very worst which the crown can possess."<sup>1711</sup> This was because government struggled to properly maintain such a vast amount of land that required a heightened level of attention and stewardship: "All minute and dispersed possessions, possessions that are often of indeterminate value, and which require a continued personal

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<sup>1711</sup> Langford, *Writings and Speeches*, III, 505-06.

attendance, are of a nature more proper for private management, than public administration.”<sup>1712</sup>

Burke is identifying an inherent incentive structure in the private ownership of land: owners, rather than the king’s servants, were more likely to take care of estates because they were directly responsible for their maintenance. “They are fitter for the care of a frugal land steward, than of an office in the state,” he says.<sup>1713</sup> Burke remarks that even private estates which were dispersed and chargeable should be “sacrificed to the relief of estates more compact and better circumstanced.”<sup>1714</sup> In his view, the Crown did not manage its scattered estates with care and frugality, which is why Burke calls for the privatization of the king’s land.

Burke was voicing an idea expressed by Adam Smith a few years earlier. In *Wealth of Nations*, Smith contended that royal lands were a net drain on the state. Their revenue, “though it appears to cost nothing to individuals, in reality costs more to the society than perhaps any other equal revenue which the crown enjoys.”<sup>1715</sup> Therefore, it would advance the common good to “divide the lands among the people, which could not well be done better, perhaps, than by exposing them to publick sale.”<sup>1716</sup> Burke and Smith did insist there were exceptions to their proposal to sell off the Crown’s estates. For Burke, these exceptions included “houses, gardens, and parks belonging to the crown,” as well as “one forest” chosen by the king, “as best accommodated to his pleasures.”<sup>1717</sup> Smith’s exceptions were lands “for the purposes of pleasure and magnificence,” including “parks, gardens, [and]

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<sup>1712</sup> Langford, *Writings and Speeches*, III, 506.

<sup>1713</sup> Langford, *Writings and Speeches*, III, 506.

<sup>1714</sup> Langford, *Writings and Speeches*, III, 506.

<sup>1715</sup> Smith, *Wealth of Nations*, vol. II, 824.

<sup>1716</sup> Smith, *Wealth of Nations*, vol. II, 824.

<sup>1717</sup> Langford, *Writings and Speeches*, III, 507.

publick walks...”<sup>1718</sup> Clearly they arrived at similar conclusions about the utility and inutility of monarchical possessions.

If, as Burke (and Smith) believed, men were more likely to be diligent stewards of private possessions than public estates, they would ameliorate the land enough so that it would contribute to the public coffers. “The principal revenue which I propose to draw from these uncultivated wastes, is to spring from the improvement and population of the kingdom; which never can happen, without producing an improvement more advantageous to the revenues of the crown, than the rents of the best landed estate which it can hold,” Burke says.<sup>1719</sup> Revenue should derive from the prosperity of cultivated estates. This belief contains shades of Burke’s more comprehensive argument in his commentary on British India: the East India Company raised revenue successfully when it commanded little political control over the Indian economy—just as the British government would receive a healthy amount of revenue from privately cultivated estates that were released from the grip of the Crown.

Burke connects this proposal with a confidence in the interaction of supply and demands laws to determine the estates’ price. “If it be objected, that these lands at present would sell at a low market; this is answered, by shewing that money is at high price,” Burke contends. “The one balances the other. Lands sell at the current rate, and nothing can sell for more.”<sup>1720</sup> The competitive price system communicates the market value of land to buyers and sellers.

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<sup>1718</sup> Smith, *Wealth of Nations*, vol. II, 824.

<sup>1719</sup> Langford, *Writings and Speeches*, III, 507.

<sup>1720</sup> Langford, *Writings and Speeches*, III, 506.

Regardless of the estate's value, a transaction that transfers land from indifferent stewards to attentive owners engenders a positive benefit for both:

...[A] great object is always answered, whenever any property is transferr'd from hands that are not fit for that property, to those that are. The buyer and seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the exchequer.<sup>1721</sup>

A unity of interest springs from the purchase of land. The seller will reap the profit of his sale, while the buyer will acquire new property for amelioration and cultivation, even if it is sold for a low price. Unlike the normal collection of revenue, which, Burke insinuates, hurts the taxed individuals, the sale of land will bring revenue into the treasury without harming anyone. Burke's recognition of this merit shows that he championed the virtues of contracts years before he drafted *Thoughts and Details* in 1795. It also confirms one of the most important tenets of Burke's conception of political economy that spanned his entire public career: self-interested, voluntary transactions are led by a benevolent hand that confers gifts to contracting parties.

Yet notice what Burke is, in effect, doing: he is supporting the monetization of estates, an activity he roundly denounced in *Reflections*. The difference, of course, is that Burke in *Reflections* assailed Jacobins' expropriation of *church* land, while Burke in *Speech on Economical Reform* is suggesting to sell off royal land. This contrast unveils Burke's deepest political and religious convictions. Church land was not only a physical expression and foundation of Church activities, but also a strong intermediary institution that helped protect commoners from the designs of the Crown. In addition, *landed property* itself, even if it was not held by the Church, was essential to preserving constitutional order, which is why Burke

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<sup>1721</sup> Langford, *Writings and Speeches*, III, 506.



supported private property rights over ecclesiastical claims to land during the Church *Nullum Tempus* bill debate. But, in the case of *Speech on Economical Reform*, royal land was an extension of royal power, and royal power for Burke was a dangerous instrument if not checked by the ballast of private landed property.

Another way Burke seeks to achieve his proposed reforms consistent with his conception of political economy is to use contracts to slice off the lard of the royal household. Burke begins his commentary by arguing that the household had become “exceedingly abusive in its constitution.”<sup>1722</sup> Throughout its history, it had stubbornly retained its feudal offices and wielded its foreign powers to bring home plunder. “This inconvenient receipt produced an œconomy suited only to itself,” Burke says. “It multiplied offices beyond all measure; buttery, pantry, and all that rabble of places, which, though profitable to the holders and expensive to the state, are almost too mean to mention.”<sup>1723</sup>

Even royal households were governed by larger forces of economic reality. “Frugality...is founded on the principle, that all riches have limits,” he asserts.<sup>1724</sup> This insight is fundamental to his notion of public finance: state expenditures are inherently constrained by limited resources. The failure to apprehend this principle threatened the operation of public administration. “A royal household, grown enormous, even in the meanest departments, may weaken and perhaps destroy all energy in the highest offices of the state,” Burke observes.<sup>1725</sup> The bloated growth of government curtails its capacity to fulfill its state duties and manage financial activities adequately, a message Burke steadily emphasizes throughout *Speech on Economical Reform*.

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<sup>1722</sup> Langford, *Writings and Speeches*, III, 508.

<sup>1723</sup> Langford, *Writings and Speeches*, III, 511.

<sup>1724</sup> Langford, *Writings and Speeches*, III, 512.

<sup>1725</sup> Langford, *Writings and Speeches*, III, 512.

In Burke's judgment, one remedy to curb the royal household's abuses was to contract out the Crown's expenditures. "...[T]he king's tables...should be classed by the steward of the household, and should be contracted for..." he says.<sup>1726</sup> More so, "...[M]en should be contracted with only in their proper trade; and that no member of parliament should be capable of such contract."<sup>1727</sup> Burke's support for contracts evinces a belief that transactions between the royal household and private traders would be a more efficient, and less costly, vehicle to pay for services than the existing system of expenditures. For Burke, the contracts would also diminish the patronage of the Crown by preventing MPs from receiving sinecures for their votes. Thus the contracts would accomplish two goals, in Burke's judgment: lower the costs of the royal household and limit the King's prodigality and influence.

When introducing his proposal for contracts, Burke includes compelling remarks on the nature of contracts, irrespective of the royal household, that exhibit his understanding of their merits and flaws. First he acknowledges the prospect of dishonest transactions. "No dealing is exempt from the possibility of fraud," he concedes.<sup>1728</sup> This insight is similar to his recognition of the possibility of "force or fraud, collusion or combination"<sup>1729</sup> in *Thoughts and Details*, although in both commentaries Burke does not elaborate on what these conditions of fraud might be. At the very least, he is casting a ray of sunlight on the imperfections of market liberalism.

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<sup>1726</sup> Langford, *Writings and Speeches*, III, 514.

<sup>1727</sup> Langford, *Writings and Speeches*, III, 514.

<sup>1728</sup> Langford, *Writings and Speeches*, III, 514.

<sup>1729</sup> Langford, *Writings and Speeches*, IX, 123.

Even with this recognition, Burke's following comments in *Speech on Economical Reform* reflect an impassioned appreciation for voluntary employment agreements that he voiced in *Thoughts and Details* as well. In *Speech on Economic Reform*, Burke states:

...[B]y a contract on a matter certain, you have this advantage—you are sure to know the utmost *extent* of the fraud to which you are subject. By a contract with a person in *his own trade*, you are sure you shall not suffer by *want of skill*. By a *short* contract you are sure of making it the *interest* of the contractor to exert that skill for the satisfaction of his employers.<sup>1730</sup>

From his perspective, transactions with clear and defined expectations will expose any possible fraud that might occur. By contracting out a task to an individual with expertise in that service, the employer will gain from that person's particular skills suited for the job. The short duration of contracts will generate a strong incentive for the contractor to give his full effort in completing the service, which will further benefit the hirer. Burke spotlights Frederick the Great, king of Prussia at the time, as a fitting example in which a distinguished monarch contracted out services to the advantage of the state.<sup>1731</sup>

These conclusions illustrate a harmony with his commentary on contracts in *Thoughts and Details*. The historical circumstances were not the same; in the economic tract, Burke reflects on the employment relationship between the farmer and laborer, while in *Speech on Economical Reform* Burke is referring to transactions between the royal household and private skilled craftsman. Nevertheless, in both instances, Burke's reflections stress the mutual rewards that emerge from voluntary agreements. The farmer will hopefully produce a profit with the help of his workers, and his workers will receive wages and good nutriment. The royal household will benefit from the service of the expert contractor, while the contractor

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<sup>1730</sup> Langford, *Writings and Speeches*, III, 514.

<sup>1731</sup> Langford, *Writings and Speeches*, III, 514.

will receive recompense for his skilled labor. (Burke does not explicitly make this last point, but it is implicit in his discussion of contracts). In short, Burke believes that contracts, even with the potential for fraud, are a means to collective advantage.

Burke provides the example of Britain's Royal Mint, the institution responsible for making coins, that reinforces his embrace of contracts as an instrument for good. Even though the mint was not a department of the royal household, it was still a source of patronage, and costly to the British government. The mint once fulfilled a useful purpose as "the great center of money transactions and remittances for our own, and for other nations..."<sup>1732</sup> But after Charles I seized £100,000 of mint in 1640, mint never regained its full strength, and was reduced simply to a manufacture. Therefore, Burke proposes, "it ought to be undertaken upon the principles of a manufacture; that is, for the best and cheapest execution, by a contract, upon proper securities, and under proper regulations."<sup>1733</sup> Burke does not stipulate the specific securities and regulations he mentions. But his call to contract out mint as a manufacture displays his inclination to favor contracts as a way to trim costs and limit royal patronage. (Others were not convinced by his reasoning, as the measure failed to win support.<sup>1734</sup>)

Beyond his ideas to sell off royal property and contract out the Crown's services, Burke proposes to abolish two well-known state offices. The first was the American Secretary, or the Secretary of State for the Colonies, an office responsible for managing the

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<sup>1732</sup> Langford, *Writings and Speeches*, III, 517.

<sup>1733</sup> Langford, *Writings and Speeches*, III, 517.

<sup>1734</sup> *Parliamentary History of England*, vol. XXI, 302. "The next clause, enacting that his Majesty's household should be served by contract, [Burke] said, he proposed to omit."

American colonies.<sup>1735</sup> The second and more significant office was the Board of Trade, whose roots originated in the early seventeenth century. The Board's modern iteration was created in 1696 under William III, and authorized by an act of Parliament, for the purposes of advancing Britain's commercial interests and supervising the American plantations. The Board was an advisory body and consisted of sixteen members, eight of whom sat regularly as salaried commissioners.<sup>1736</sup>

Burke's call to extinguish this board communicated his desire to promote liberal trade. He first alleges in *Speech on Economical Reform* that the Board "is of no use at all."<sup>1737</sup> Burke's subsequent reasoning is a summation of his arguments in favor of a free intercourse throughout his entire public career. He says it is "generally" true that commerce "flourishes most when it is left to itself. Interest, the great guide of commerce, is not a blind one. It is very well able to find its own way; and its necessities are its best laws."<sup>1738</sup> Commerce thrives best in liberal markets emancipated from the management of the state. Interest, the incentive to advance one's material advantages, self-regulates individual desires in a way that generates prosperous trade. In other words, Burke is invoking his "benign and wise disposer," or Adam Smith's Invisible Hand, to justify liberating commerce from the Board of Trade.

Burke maintains that the reign of Charles I was marred by unnecessary intervention in foreign intercourse. In referring to the meddling of seventeenth-century committees of

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<sup>1735</sup> See Arthur Herbert Basye, "The Secretary of State for the Colonies, 1768-1782," *The American Historical Review* 28 (1922): 13-23. The Secretary of State for the Colonies also served as President of the Board of Trade from 1768 to 1779. See Langford, *Writings and Speeches*, III, 554.

<sup>1736</sup> See Oliver Morton Dickerson, *American Colonial Government 1696-1765: A Study of the British Board of Trade in its Relation to the American Colonies, Political, Industrial, Administrative* (Cleveland, OH: The Arthur H. Clark Company, 1912).

<sup>1737</sup> Langford, *Writings and Speeches*, III, 535.

<sup>1738</sup> Langford, *Writings and Speeches*, III, 535.

council tasked with investigating trade under the king's watch, Burke observes that "even where they had no ill intention (which was sometimes the case) trade and manufacture suffered infinitely from their injudicious tampering."<sup>1739</sup> Burke is showing his awareness of the limitations of good intentions; from his perspective, commercial regulations aiming to benefit England were ultimately counterproductive. This conclusion explains why Burke says, "[A]ll regulations are, in their nature, restrictive of some liberty."<sup>1740</sup> Burke's sympathy in support of free commerce makes its presence felt in *Speech on Economical Reform*.

The debate about the Board of Trade reached beyond economic doctrine, however, and into the deeper terrain of constitutional questions. If commercial regulations should be implemented—Burke does not deny that sometimes this might be the case—the locus of authority to determine the rules should reside in Parliament. "We want no instructions from boards of trade, or from any other board..." he says.<sup>1741</sup> Parliament was quite capable of researching commercial issues: "Parliamentary enquiry is the only mode of obtaining parliamentary information."<sup>1742</sup> Burke argues that the lawmaking body was far more effective at studying the implications of trade regulations than the king and the beneficiaries of his patronage. "There is more real knowledge to be obtained, by attending the detail of business in the committees above stairs, than ever did come, or ever will come from any board in this kingdom, or from all of them together,"<sup>1743</sup> he avows. For Burke, the delegation of authority in matters relating to foreign commerce should rest in a legislative chamber, not in an advisory agency prone to the whimsical influence of the Crown's ministers.

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<sup>1739</sup> Langford, *Writings and Speeches*, III, 535.

<sup>1740</sup> Langford, *Writings and Speeches*, III, 535.

<sup>1741</sup> Langford, *Writings and Speeches*, III, 535.

<sup>1742</sup> Langford, *Writings and Speeches*, III, 535.

<sup>1743</sup> Langford, *Writings and Speeches*, III, 535.

Burke strengthens his reasoning about the inutility of the Board of Trade in *Speech on Economical Reform* by employing an empirical argument. He notes that “the flourishing settlements of New England, of Virginia, and of Maryland, and all our wealthy colonies in the West Indies”<sup>1744</sup> all developed before an earlier form of the Board had operated under Charles II.<sup>1745</sup> Burke explains that Pennsylvania and Carolina were settled after the extinction of the first board and before the creation of the second one. Then he contends that the two colonies which did owe their existence to the board, Georgia and Nova Scotia, struggled to achieve commercial prosperity due to the body’s regulatory web. Until recently, Burke says, Georgia had made “a very slow progress...”<sup>1746</sup> And it “never did make any progress at all, until it had wholly got rid of all the regulations which the board of trade had moulded into its original constitution.”<sup>1747</sup> The implication is clear: the Georgian economy’s release from meddlesome trade restrictions was the trigger for its commercial growth.

Burke’s use of Georgia is a noteworthy example. Many Georgian industries that had received subsidies from Britain, including silk, olives, and wine, did not thrive. Consequently, Georgia had become a financial burden on the British government. “It always had, and it now has, an *establishment* paid by the public of England, for the sake of the influence of the crown; that colony having never been able or willing to take upon itself the expence of its proper government, or its own appropriated jobs,” Burke says.<sup>1748</sup> In his view, British interference in the Georgian economy had discouraged the colony from assuming

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<sup>1744</sup> Langford, *Writings and Speeches*, III, 537.

<sup>1745</sup> Burke made the same point in regard to Barbados. See *The Scots Magazine*, vol. XLII (Edinburgh: A. Murray and J. Cochran, 1780), 134.

<sup>1746</sup> Langford, *Writings and Speeches*, III, 537.

<sup>1747</sup> Langford, *Writings and Speeches*, III, 537.

<sup>1748</sup> Langford, *Writings and Speeches*, III, 538.

responsibility for its colonial administration. Rather than freeing it to prosper, the Board of Trade had condemned it to dependency.

In contrast, the other colonies were liberated from paternalistic intervention, which benefited the British Empire. “[T]he colonies which have had the fortune of not being godfathered by the board of trade, never cost the nation a shilling, except what has been so properly spent in losing them,” Burke says.<sup>1749</sup> The absence of excessive commercial restrictions not only helped American plantations prosper; they also relieved Britain of any possible encumbrances stemming from its colonial possessions. This reasoning aligns smoothly with Burke’s view in *Speech on Conciliation with America* that Britain should allow American colonies commercial freedom to grow its industries. Note the consistency in Burke’s wider position on imperial economics: colonial possessions unburdened by the weight of trade regulations benefit both the colonial subjects and Great Britain.

Burke applies this logic to the case of the Acadian people in Nova Scotia. In this “one little neglected corner” of the Canadian province, it had “been shut out from the protection and regulation of councils of commerce, and of boards of trade...”<sup>1750</sup> Yet even “without assistance,” the area had prospered “to a considerable degree.”<sup>1751</sup> Burke lambastes the British government for its role in extirpating the Acadians from the province.<sup>1752</sup> Among its various sins, the British had seized “acquisitions of unregulated industry”<sup>1753</sup> that helped finance their new colonial possessions. The important lesson for the purposes of Burke’s

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<sup>1749</sup> Langford, *Writings and Speeches*, III, 538.

<sup>1750</sup> Langford, *Writings and Speeches*, III, 538.

<sup>1751</sup> Langford, *Writings and Speeches*, III, 538.

<sup>1752</sup> This event is known as the Expulsion of the Acadians, starting in 1755 during the French and Indian War.

<sup>1753</sup> Langford, *Writings and Speeches*, III, 538.



political economy is that he associates the growth of commerce and industry with the absence of imperial regulations.

Burke also rebukes the seeming laziness of the Board of Trade, which further clarifies his support for liberal trade. In *Speech on Economical Reform*, he cites two pending acts that would have lowered trade restrictions between England and Ireland. Burke praises these acts for “giving a free trade to Ireland in woollens and in all things else, with independent nations, and giving them an equal trade to our own colonies.”<sup>1754</sup> This liberal trade reform was “great,” as well as an “arduous and critical improvement of the [commercial] system.”<sup>1755</sup> In Burke’s judgment, the feeble efforts of the Board to analyze the commercial implications of these new measures was proof of its inutility.

Burke believed abolishing the Board of Trade would save the British government “about £20,000 a year, besides seven members of parliament.”<sup>1756</sup> Although the Board symbolized the royal abuse of sinecures, it might have served a greater utility, and been more active, than Burke suggested. In a bid to defend the group’s efforts and wisdom, MP and Board member William Eden had drawn attention to the litany of reports it had issued, and to the distinguished economic thinkers that had comprised its membership over the years.<sup>1757</sup> In a parliamentary speech, Burke admitted in a mocking tone that the intellect of the Board’s illustrious members, which included Eden and Edward Gibbon, was impressive: “Every department of literature, the solid and the entertaining, the instructive and the amusing, had its separate professor.”<sup>1758</sup> Still, Burke insisted, the board was “useless, idle, and

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<sup>1754</sup> Langford, *Writings and Speeches*, III, 540.

<sup>1755</sup> Langford, *Writings and Speeches*, III, 540.

<sup>1756</sup> Fitzwilliam and Bourke, *Correspondence of the Right Honourable Edmund Burke*, vol. II, 325.

<sup>1757</sup> See Lock, *Edmund Burke*, vol. I, 457-58.

<sup>1758</sup> *Parliamentary History of England*, vol. XXI, 237.

expensive.”<sup>1759</sup> Therefore, “As an academy of Belles Lettres, he should hold them hallowed; as a board of trade he wished to abolish them.”<sup>1760</sup>

Burke is signaling an idea he famously expressed in *Reflections*: the engine of industry is not a professor but a person who actually engages in trade. In *Reflections*, Burke noted that the “farmer” and “physician” procured food and medicine; the “professor of metaphysics” did not.<sup>1761</sup> In the debate over the Board of Trade, he is arguing that, even with its distinguished credentials and the intelligence of its members, the body did not set in motion the circulation of commerce. The trader did. This reasoning fits neatly into his broader political philosophy: theorizing about activities, such as trade, does little to actuate them in concrete reality.

In the end, the provision to ban the Board, which was part of Burke’s “Establishment Bill,”<sup>1762</sup> passed by eight votes in a committee of the whole House.<sup>1763</sup> This victory signified the apex of success for Burke’s proposed reforms, but the entire bill eventually died. Burke saw his efforts come to fruition in 1782, when the Board was disbanded by the Rockinghamites. Yet a committee on trade with similar advisory functions was created in 1784 and made permanent in 1786.<sup>1764</sup> The body’s ultimate triumph should not obscure the important point relating to Burke’s conception of political economy,

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<sup>1759</sup> *Parliamentary History of England*, vol. XXI, 237.

<sup>1760</sup> *Parliamentary History of England*, vol. XXI, 237.

<sup>1761</sup> Langford, *Writings and Speeches*, VIII, 111.

<sup>1762</sup> *Parliamentary History of England*, vol. XXI, 111.

<sup>1763</sup> *Parliamentary History of England*, vol. XXI, 278.

<sup>1764</sup> See John E. Crowley, “Neo-Mercantilism and the Wealth of Nations: British Commercial Policy after the American Revolution,” *The Historical Journal* 33 (1990): 341n8; and Klinge, “Edmund Burke, Economical Reform, and the Board of Trade, 1777-1780,” 1186.

however: his opposition to the Board was based, at least in part,<sup>1765</sup> on its violation of the laws of commerce.

c. ***Speech on Economical Reform II: Pensions, Costly Offices, and the Civil List***

Burke examines a variety of other measures in *Speech on Economical Reform* he believed would check royal patronage and lower the cost of government. One such measure was his proposal to reform Britain's pension system. Burke first calls to eliminate the Paymaster of Pensions, one of the various subordinate treasuries he wished to end, and to transfer the payment of service to the exchequer. "The present course of diversifying the same object, can answer no good purpose..." Burke notes,<sup>1766</sup> exemplifying his preference for the consolidation or abolition of offices with redundant duties.

Burke then argues to lower pensions to £60,000 per annum, but leaves room for Parliament to use its discretion to increase or decrease the amount slightly. Burke calculates that because pensions at the time cost more than £100,000 annually, his proposal would save the British government £40,000 per year. Rather than overthrowing the existing pension system all at once, Burke hoped his plan would diminish costs over time. While these details offer little original insight into his economic thought, at their most elemental level they demonstrate a proclivity for financial prudence.

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<sup>1765</sup> See Dennis Stephen Klinge, "Edmund Burke, Economical Reform, and the Board of Trade, 1777-1780," *The Journal of Modern History* 51 (1979): 1185-1200 for the view that Burke's opposition to the Board of Trade was driven by personal contempt as well as by Rockingham Whig principles.

<sup>1766</sup> Langford, *Writings and Speeches*, III, 523.

Burke's additional remarks on the patent offices in the Exchequer, which he considered to be the same as pensions in "reality and substance,"<sup>1767</sup> do lend deeper insight into his conception of political economy. His basic proposition was to lower the salary of the Auditor of the Receipt to £3,000 per year, and the Auditor of the Imprests and other principal officers to £1,500 per year. Even though Burke concedes that the positions were "sinecures,"<sup>1768</sup> he sought gradual rather than radical reform in this area. This was because the patent places, unlike pensions, were "held for life,"<sup>1769</sup> and thus should be considered sacred property that warranted careful protection, not immediate abolition. "They have been given as a provision for children; they have been the subject of family settlements; they have been the security of creditors," Burke insists.<sup>1770</sup> The patent places in the Exchequer were not simply remunerative offices but intergenerational bonds that strengthened families and property. In his view, the unleashing of arbitrary force on these settled offices would create a dangerous precedent: "If the discretion of power is once let loose upon property, we can be at no loss to determine whose power, and what discretion it is that will prevail at last."<sup>1771</sup> Burke, through hyperbole, is announcing his distaste for the exercise of arbitrary power over property.

Burke's larger message in defense of his proposal to assign fixed salaries to the patent places is that public service merits public reward. "There is a time, when the weather-beaten vessels of the state, ought to come into the harbor," Burke insists, referring to hard-working government servants.<sup>1772</sup> While Burke loathes the malign nature of the Crown, he

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<sup>1767</sup> Langford, *Writings and Speeches*, III, 526.

<sup>1768</sup> Langford, *Writings and Speeches*, III, 526.

<sup>1769</sup> Langford, *Writings and Speeches*, III, 526.

<sup>1770</sup> Langford, *Writings and Speeches*, III, 526.

<sup>1771</sup> Langford, *Writings and Speeches*, III, 526.

<sup>1772</sup> Langford, *Writings and Speeches*, III, 528.

still contends that the Crown should have the authority to dispense rewards to civil servants.<sup>1773</sup> More so, in praising the legal reasoning of Lord Chancellor Somers,<sup>1774</sup> Burke posits that a permanent reward not only recognizes officials for their labors but also produces social and economic benefits: it is “the origin of families; and the foundation of wealth.”<sup>1775</sup> Burke believes fixed salaries can bolster and promote a distinguished aristocracy, as it is “the only genuine unadulterated origin of nobility.”<sup>1776</sup>

Burke’s emphasis on the nobility breathes life into his impression that a disciplined government payment system generates a meaningful long-term impact on a political community:

When men receive obligations from the crown through the pious hands of fathers, or of connections as venerable as the paternal, the dependencies which arise from thence, are the obligations of gratitude, and not the fetters of servility. Such ties originate in virtue, and they promote it. They continue men in those habitudes of friendship, those political connections, and those political principles in which they began life.<sup>1777</sup>

Fixed salaries are not simply monetary rewards but social sinews. They connect men of one generation with their ancestors, stitching together a firm leadership class that endures the fluxes of day-to-day government operations. More so, a steady source of income prevents government officials from descending into a state of servility. Rather than cajoling the Crown for sinecures, public servants and their families will be assured a consistent source of income. Public reward is the germ of gratitude. This process encourages and strengthens the

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<sup>1773</sup> Langford, *Writings and Speeches*, III, 528. “The crown, which has in its hands the trust of the daily pay for national service, ought to have in its hands also the means for the repose of public labour, and the fixed settlement of acknowledged merit.”

<sup>1774</sup> In 1696 Somers helped establish the constitutional principle that claimants can use a petition of right to recover arrears from the Crown if a contract is violated. See Plucknett, *Concise History of the Common Law*, 704.

<sup>1775</sup> Langford, *Writings and Speeches*, III, 528.

<sup>1776</sup> Langford, *Writings and Speeches*, III, 528.

<sup>1777</sup> Langford, *Writings and Speeches*, III, 528.

aristocratic nobility, an object of reverence for Burke and, in his judgment, the indispensable protector of constitutional government.

In his discussion of the patent offices in the Exchequer, Burke expresses one of the most compelling insights in his entire corpus of statements on political economy. “An honourable and fair profit is the best security against avarice and rapacity; as in all things, a lawful and regulated enjoyment is the best security against debauchery and excess,” Burke states.<sup>1778</sup> His point is that a government salary—a “fair profit” regulated legally<sup>1779</sup>—provides the incentives necessary to promote good behavior, such as the expectation that a civil servant will be justly rewarded for his toil on behalf of the state. Burke is inverting a conventional line of thinking on profit: rather than fueling greed and imperiousness, money can tame the human temptation to dominate others. Notice the consistency between this line of thinking and Burke’s thoughts on the East India Company and the Indian economy: reviving the incentive for profit can reduce, not provoke, immoral behavior.

Such reasoning captures why Burke is hesitant to applaud statesmen who seek to work in government without remuneration. “[I]f men were willing to serve in such situations without salary, they ought not to be permitted to do it,” he insists. “Ordinary service must be secured by the motives to ordinary integrity.”<sup>1780</sup> A British civil servant, like any normal human being, carries the reasonable expectation that he will receive a fair reward for his labor. A person who desires to work for the state with no reward is a far more dangerous threat to the government. Burke observes, “[T]hat state which lays its foundation in rare and

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<sup>1778</sup> Langford, *Writings and Speeches*, III, 531.

<sup>1779</sup> Burke does not elaborate on what “lawful and regulated enjoyment” means. Would this also justify the regulation of wages? Clearly, based on his opposition to the idea in *Thoughts and Details*, it did not. But this remark does raise an ambiguity about his possible support for the regulation of other forms of profit.

<sup>1780</sup> Langford, *Writings and Speeches*, III, 530.

heroic virtues, will be sure to have its superstructure in the basest profligacy and corruption.”<sup>1781</sup> Burke’s conception of the limited nature of man comes into contact with his reform efforts: he is alerting listeners to the hollow self-sacrifice of statesmen—flawed creatures like all other people—who claim to want to advance the public good without expecting recognition for their efforts. Burke suggests that such outward displays of heroism mask a sinister impulse for power and patronage. His solution, then, is straightforward: supply an honest material reward for honest public service, through fixed salaries or pensions.

Burke is not willing to destroy the “exorbitant emoluments”<sup>1782</sup> of particular offices, however. In his discussion on this topic, he suggests that the amount of public reward should not necessarily be determined by market value. “The service of the public is a thing which cannot be put to auction,” he says, “and struck down to those who will agree to execute it the cheapest.”<sup>1783</sup> He does not explicitly reproach market laws in this discussion, but he does insinuate that just reward for service to the state may transcend simple calculation of monetary cost and benefit. “When the proportion between reward and service, is our object, we must always consider of what nature the service is, and what sort of men they are that must perform it,” Burke notes.<sup>1784</sup> Indeed, government value may mirror market value for these particular services. Yet his comments, integrated with his observations above about the importance of preserving a strong leadership class, hint at an itch in Burke’s thought that goes beyond strict financial considerations.

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<sup>1781</sup> Langford, *Writings and Speeches*, III, 530-31.

<sup>1782</sup> Langford, *Writings and Speeches*, III, 530.

<sup>1783</sup> Langford, *Writings and Speeches*, III, 530.

<sup>1784</sup> Langford, *Writings and Speeches*, III, 531.

In addition to these reforms, Burke in *Speech on Economical Reform* proposes to cleanse the British government of other expensive encumbrances. For example, he calls to eliminate subordinate jurisdictions that incurred high costs, struggled to raise revenue, and encouraged patronage and sinecures for MPs. One such example was the duchy of Lancaster, whose estates were burdened by “pretensions” and “vexations” and “litigation...”<sup>1785</sup> According to Burke, they were “exchequers of unfrequent receipt, and constant charge,”<sup>1786</sup> unworthy of being maintained. Burke also seeks to convert the functions of the Paymaster General of the Forces and the Treasury of the Navy, both lucrative positions,<sup>1787</sup> from treasuries into offices of administration.

Furthermore, Burke’s plan abolishes royal offices that, in his judgment, were useless and costly. As a result of the sale of the Crown’s estates, the Surveyor General and two chief justices in Eyre—the latter presiding over the highest court of forest law in the Middle Ages<sup>1788</sup>—would be eliminated.<sup>1789</sup> (No doubt Burke remembered the baleful influence the Surveyor General exerted during the *Nullum Tempus* affair thirteen years later, to the advantage of James Lowther.) Burke also lists anachronistic positions in the royal household

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<sup>1785</sup> Langford, *Writings and Speeches*, III, 500.

<sup>1786</sup> Langford, *Writings and Speeches*, III, 500.

<sup>1787</sup> Langford, *Writings and Speeches*, III, 521. Lucy S. Sutherland and J. Binney note that the Paymaster had become “perhaps potentially the most lucrative [office] that a parliamentary career had to offer” in the eighteenth century. See Sutherland and Binney, “Henry Fox as Paymaster General of the Forces,” 230. Henry Fox, who had been Paymaster during the Seven Years War, exemplified the corrupting effects of the post, as he reaped conspicuous lucre during his tenure. Both the Paymaster and Treasurer of the Navy offices embodied the worst of public finance; they would brandish their power to extract abundant money from the Treasury and issue loans with interest, with the intent on making a quick profit. See Lock, *Edmund Burke*, vol. I, 451.

<sup>1788</sup> See James Fitzjames Stephen, *A History of the Criminal Law of England*, vol. I (Cambridge: Cambridge University Press, 2014), 136.

<sup>1789</sup> Langford, *Writings and Speeches*, III, 507.



that would be extinguished under his plan of reform: the Treasurer of the Household; the Comptroller of the Household; the Cofferer of the Household; the Treasurer of the Chamber; the Master of the Household; the Board of Green Cloth<sup>1790</sup>; lower offices in the department of the Steward of the Household; the Great Wardrobe; the Removing Wardrobe; the Jewel Office; the Robes; the Board of Works; and almost all positions in the civil branch of the Board of Ordnance.<sup>1791</sup> For Burke, these offices stunk of the feudal traces of the royal household, and were gross examples of the Crown's exploitation of sinecures. Moreover, he calls to eliminate the royal sinecures of Master of the Buckhounds, Master of the Stagbonds, Master of the Foxbonds, and Master of the Harriers.<sup>1792</sup>

Burke thinks that the removal of these offices will "relieve the nation from a vast weight of influence," which will "forwar[d] every public service."<sup>1793</sup> British citizens will benefit: "When something of this kind is done, then the public may begin to breathe."<sup>1794</sup> Burke is associating the elimination of costly offices with the advancement of the common good. More important, he argues that the eradication of useless royal offices reflected the British tendency to weigh variables that eclipsed economic considerations in the cause of political reform. "Under other governments, a question of expence is only a question of œconomy, and it is nothing more; with us in every question of expence, there is always a mixture of constitutional considerations," Burke observes.<sup>1795</sup> In his judgment, frugality should blend with constitutional principles to inform institutional reform.

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<sup>1790</sup> Note that while Burke lists the Board of Green Cloth separately, many of the other offices on the list were headed by members who sat on the Board.

<sup>1791</sup> Langford, *Writings and Speeches*, III, 518.

<sup>1792</sup> Langford, *Writings and Speeches*, III, 532.

<sup>1793</sup> Langford, *Writings and Speeches*, III, 518.

<sup>1794</sup> Langford, *Writings and Speeches*, III, 518.

<sup>1795</sup> Langford, *Writings and Speeches*, III, 518.

Burke illustrates concern for sound public finance in his discussion of the Civil List. The Civil List, the list of money appropriated by the British government to fund the expenses of the royal household, was a source of controversy in English politics at the time. It raised questions about the balance of power between Parliament's authority over public finance and the independence of the Crown.<sup>1796</sup> Opponents attacked George III's exploitation of the Civil List as a royal weapon used to purchase political allegiance from MPs through bribes and pensions.

In *Speech on Economical Reform*, Burke calls for the treasury to adopt a consistent and transparent process for Civil List payments. His plan is for "a fixed and invariable order in all its payments, which it shall not be permitted to the first lord of the treasury<sup>1797</sup> ...to depart from."<sup>1798</sup> Burke then proceeds to list the public offices that, in his judgment, deserved first priority in receiving payments. This brief list is overlooked by secondary commentaries on Burke. Yet it effectively distills Burke's conception of the proper role of the state, and elucidates his definition of "public service," a term he refers to frequently in his commentary on economical reform. In addition, it spotlights the government positions he believed were indispensable to effective public administration.

The list, in order of most-to-least importance, is as follows: judges; foreign ministers; tradesmen who receive contracts from the Crown; domestic servants of the monarch, and other less significant and low-cost positions; allowances and payments of the royal family; efficient offices of duty paid under £200 per year; the whole pension list; "offices of

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<sup>1796</sup> See Reitan, "The Civil List in Eighteenth-Century British Politics," 318-337.

<sup>1797</sup> Note that the First Lord of the Treasury was the head of the ministry.

<sup>1798</sup> Langford, *Writings and Speeches*, III, 542.

honor”—lords—that court the king; and the salaries and pensions of the First Lord of the Treasury and subordinate positions in the Treasury.<sup>1799</sup>

These priorities are consonant with his later reflections on the responsibility of government. Recall Burke’s statement in *Thoughts and Details* that the activities of the state should be confined “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.”<sup>1800</sup> Burke’s list above matches this description. Positions that preserve domestic order and defend Britain’s interests abroad—judges and foreign ministers—deserve priority. Less significant positions do not. Judges hold a special importance in Burke’s eyes; they “ought to be the very last to feel the necessities of the state” because “public justice...holds the community together.”<sup>1801</sup> More so, because judges should maintain an air of independence from politics, and because they are responsible for securing the legal protections of citizens, they should not be forced to court others for payment. “They ought to be as *weak solicitors on their own demands*, as strenuous assertors of the rights and liberties of others,”<sup>1802</sup> Burke avers. The state was essential to preserving liberty.

In light of Burke’s views of the Civil List, it is worth reviewing other government expenses he believed were worthy of their cost. In 1775, a time when London did not have grand public offices compared to European capitals, Burke supported a parliamentary resolution to increase funding for the conversion of the Somerset House, a former royal palace whose upkeep had been neglected for decades,<sup>1803</sup> into a public administrative

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<sup>1799</sup> Langford, *Writings and Speeches*, III, 542-43.

<sup>1800</sup> See Langford, *Writings and Speeches*, IX, 143.

<sup>1801</sup> Langford, *Writings and Speeches*, III, 542.

<sup>1802</sup> Langford, *Writings and Speeches*, III, 542.

<sup>1803</sup> See “History,” Somerset House, accessed March 12, 2017, <https://www.somerset-house.org.uk/history>.

building. His reasoning was rooted in a conviction that public structures should provoke awe among citizens and imbue a sense of attachment to their country. Citizens “pride themselves on the glory of their country possessing such” public works that are “elegant and magnificent,” Burke said in *Speech on Somerset House*.<sup>1804</sup> His efforts came to fruition; Parliament approved funding for the new institution, and construction began the following year.<sup>1805</sup>

While this advocacy showed that parsimony was not Burke’s principal object in government reform, especially when considering that the American war at the time was imposing growing costs on the British government, the significance of Burke’s logic transcends questions about government expenditures. In a larger light, it demonstrates his view that the state and the citizen did not stand in inherent conflict with one another. Each was not an abstract entity, but a tangible expression of a country’s structure and heartbeat. One did not militate against the other if each fulfilled its responsibilities. Government held the responsibility to erect public edifices that testified to the honor and memory of the country’s history, and to the achievements of its people. Citizens held the responsibility to look beyond their individualist impulses and recognize their place in the public mosaic of a political community. And if government uses the people’s money, the initiative must benefit the public.

Burke also supported public funding for cultural and educational projects in Britain. He called for additional funding to the British Museum to advance “the liberal and polite arts.”<sup>1806</sup> The alternative, to discourage the state backing of the arts, would “forward the

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<sup>1804</sup> Langford, *Writings and Speeches*, III, 170.

<sup>1805</sup> Langford, *Writings and Speeches*, III, 171.

<sup>1806</sup> Langford, *Writings and Speeches*, III, 336.

destruction”<sup>1807</sup> of Britons and bring about civil strife. In addition, Burke lobbied for government subsidies to support his school for children of French émigrés.<sup>1808</sup> These examples are further evidence of Burke’s belief that the state and the people were not natural antagonists, and that the former sometimes had a role to play in promoting the well-being of the community.

We return to *Speech on Economical Reform*. In Burke’s view, other measures floating around at the time merited consideration, such as a bill to deprive customs officials of their vote and another to prevent contractors from serving as MPs in the House of Commons.<sup>1809</sup> Burke also supported efforts to tighten the expenses of elections and the military.<sup>1810</sup> These ideas, he contends, would further renew the spirit of independence in Parliament. In addition, Burke recognizes in *Speech on Economical Reform* that his own proposals were imperfect. As he says, they fell “infinitely short”<sup>1811</sup> of the public’s expectations for meaningful reform, and did not even completely satisfy his personal goals. It is unclear whether his reforms, if fully implemented, would have achieved lasting change in restraining public expenditures or taming the Crown’s influence in Parliament. Nevertheless, the bills were politically palatable to reformers who were serious about curbing royal patronage and state expenditures.<sup>1812</sup>

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<sup>1807</sup> Langford, *Writings and Speeches*, III, 336.

<sup>1808</sup> “Burke’s Proposal for a School at Penn,” in *Correspondence of Edmund Burke*, VIII, 397.

<sup>1809</sup> Burke did not applaud all proposed reforms. He opposed the ideas emanating from petitioners in London and Yorkshire to enact universal male suffrage and to shorten the duration of Parliament, respectively. See Langford, *Writings and Speeches*, IV, 49n2.

<sup>1810</sup> Langford, *Writings and Speeches*, III, 547-48.

<sup>1811</sup> Langford, *Writings and Speeches*, III, 547.

<sup>1812</sup> Langford, *Writings and Speeches*, III, 482.

Burke's reforms achieved limited success. While the Board of Trade was abolished, the position of American Secretary endured. The idea to reduce the expenses of the royal household was rejected.<sup>1813</sup> Burke's bills met their defeat once Parliament dissolved in September 1780,<sup>1814</sup> which further narrowed the opportunity for the Rockinghamites to temper the more extreme voices of the reform movement.<sup>1815</sup> Even with these results, contemporary accounts lauded *Speech on Economical Reform*. The *London Evening Post* reported that "memory may supply the outlines of his plan, but it would require talents equal to his own to reach the beauties of his detail."<sup>1816</sup> Lord North, the prime minister who opposed Burke's proposals, admitted that "there was not a man in England who could have made such a [speech], or treated so very difficult a matter with so much perspicuity, clearness, and ability."<sup>1817</sup> While many of his ideas were not wholly original, in the end Burke's proposals represented some of the boldest efforts in the eighteenth century to reform public finance and subdue the corrupt influence of the Crown.<sup>1818</sup>

#### d. The Scope of Government and Burke's Conception of Reform

The most significant lesson that emerges from *Speech on Economical Reform* is not that Burke was proposing to reform government. It's that there *was* an important role for the state in his theory of political economy. Even though he was a proponent of a free domestic grain trade and liberal foreign intercourse, Burke did not seek to strip government bare of

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<sup>1813</sup> See Bourke, *Empire & Revolution*, 428.

<sup>1814</sup> See Langford, *Writings and Speeches*, IV, 46. When Burke proposed a bill in February 1781, modeled after the proposed reforms in his *Speech on Economical Reform* in 1780, it was rejected soundly. See Langford, *Writings and Speeches*, IV, 65.

<sup>1815</sup> Langford, *Writings and Speeches*, III, 482.

<sup>1816</sup> Langford, *Writings and Speeches*, III, 481.

<sup>1817</sup> *The Scots Magazine*, vol. XLII, 135.

<sup>1818</sup> Langford, *Writings and Speeches*, III, 482-83.

any and all offices. One principal responsibility for government, as evidenced by his discussion of judges above, was to ensure that the liberties of the people were not violated. Government performed an integral function in creating, administering, and enforcing fair rules. The state was fundamental to political order.

Burke's conception of an effective state rests on an important distinction he made between necessary and unnecessary characteristics of government. There was a stark difference, in his judgment, between enabling public officials such as judges and foreign ministers to fulfill their government duties, on the one hand, and pouring lavish perquisites and privileges on servants, on the other. "The power of distributing places, pensions, and honours...by many was confounded with the idea of government itself...", Burke states in *Speech on Economical Reform Bill*, given in 1781, a year after *Speech on Economical Reform*, "and it was thought the one could not subsist without the other, consequently that the power of the state was weakened by a diminution of such instruments."<sup>1819</sup> The notion that monetary benefits equaled the state was based on an illusion: "They mistook the emoluments of government for government itself..."<sup>1820</sup> The successful functioning of a state did not require excessive remuneration and sinecures; it simply demanded the consistent, steady enforcement of justice and protection from foreign and domestic enemies.

Although Burke outlined a number of offices to abolish in *Speech on Economical Reform*, his idea of the proper role of the state is further revealed by what offices and perquisites he did *not* seek to eliminate. Burke desired to reform the pension system—not end it. He aimed to change the functions of the Paymaster of the Forces and the Treasury of the Navy, rather than outright extinguish the offices. Burke defended the idea of fixed

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<sup>1819</sup> Langford, *Writings and Speeches*, IV, 63.

<sup>1820</sup> Langford, *Writings and Speeches*, IV, 63.

salaries for the patent offices in the Exchequer. He did not call to reduce “exorbitant emoluments”<sup>1821</sup> to efficient offices. Burke admits in the speech that he preserved at least some of these honors, rather than offering more drastic measures, for matters of prudence rather than principle.<sup>1822</sup>

Burke’s reform measures articulate a more profound purpose of the state beyond the administration of justice: it served as a pillar of constancy amidst the circulation of individuals rotating in and out of government. In his defense of paying fixed salaries to the patent offices in the Exchequer, Burke notes that “[i]ndividuals pass like shadows; but the commonwealth is fixed and stable.”<sup>1823</sup> This comment illustrates Burke’s conception of the *institutional* primacy of a steady state. Men and women come and go, but the strength of a secure government endures: “The difference therefore of to-day and to-morrow, which to private people is immense, to the state is nothing.”<sup>1824</sup> Therefore, the importance of the state transcended the perpetuation of the rule of law; the state itself was glue that tied generations together and maintained civilizational order.

The one final motif in Burke’s commentary on economical reform that requires attention is his remarks on the nature and purpose of reform in general. A conventional interpretation of Burke is that he was the embodiment of a reactionary traditionalist, resisting the forces of change and clinging desperately to romantic relics of the past.<sup>1825</sup> A more nuanced view draws attention to the element of gradualism in Burke’s thought, emphasizing his sympathy for improvement by retaining and renewing the best wisdom

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<sup>1821</sup> Langford, *Writings and Speeches*, III, 530.

<sup>1822</sup> Langford, *Writings and Speeches*, III, 529.

<sup>1823</sup> Langford, *Writings and Speeches*, III, 527.

<sup>1824</sup> Langford, *Writings and Speeches*, III, 527.

<sup>1825</sup> See, for example, Robin, *Reactionary Mind*.



from previous generations.<sup>1826</sup> Burke's famous remark in *Reflections*, "a state without the means of some change is without the means of its conservation,"<sup>1827</sup> captures this interpretation.

*Speech on Economical Reform* issues a fundamental challenge to the first view. Burke calls explicitly for the abolition of old offices and expenses of the royal households. He justifies these reforms by rejecting medieval traditions and invoking the language of progress. The royal household is "formed upon manners and customs, that have long since expired," he says. "...[I]t is formed, in many respects, upon *feudal principles*."<sup>1828</sup> Burke proceeds to explain how the feudal structure of the royal household, including its principles of body corporate, might have been useful in years past.

In Burke's judgment, however, the household failed to adapt to changing circumstances, thereby forfeiting its dignity while encouraging vainglorious luxury. "The royal household has lost all that was stately and venerable in the antique manners, without retrenching any thing of the cumbrous charge of a Gothic establishment," he observes.<sup>1829</sup> Hence Burke argues that tradition for the sake of tradition is nonsensical: "...[W]hen the reason of old establishments is gone, it is absurd to preserve nothing but the burthen of them."<sup>1830</sup> In essence, Burke is appealing to a self-conscious conception of change by rebuking ancestral customs and embracing institutional progress.

The second interpretation of Burke's idea of reform—of gradualist change, steered by the wisdom of the past—also requires elucidation. Burke did hold that change should

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<sup>1826</sup> See, for example, Kirk, *Conservative Mind*, 45-47.

<sup>1827</sup> Langford, *Writings and Speeches*, VIII, 72.

<sup>1828</sup> Langford, *Writings and Speeches*, III, 508.

<sup>1829</sup> Langford, *Writings and Speeches*, III, 509.

<sup>1830</sup> Langford, *Writings and Speeches*, III, 510.

occur steadily rather than at once. In his *Speech on Civil Establishment Bill* on 8 March 1780, which concerned his proposal to eliminate the Secretary of State for the Colonies, Burke outlined this notion of reform. It is true, Burke conceded, that eliminating the one position would reduce government expenses only slightly. But, he continued, “[E]very plan must have a beginning, and every great plan must unavoidably exist of many small parts.”<sup>1831</sup>

Furthermore, in *Speech on Economical Reform*, Burke says, “a great part” of his idea of reform is to “operate gradually; some benefits will come at a nearer, some at a more remote period.”<sup>1832</sup> Thus one principle of his theory of improvement was the primacy of temperate action: “a temperate reform is permanent; and because it has a principle of growth.”<sup>1833</sup>

Burke’s proposed measures in *Speech on Economical Reform* embody this ethic of cautious reform.

But Burke’s conception of reform penetrated deeper. He distinguished between incremental change that occurred without a mindful purpose with steady change that was animated by a coherent set of *teleological* principles. In *Speech on Economical Reform Bill*, his 1781 speech addressing similar government reforms, the *Parliamentary Register* reported Burke’s remarks as follows:

This reform he endeavoured to effect, not arbitrarily, piece-meal, and at random, but upon certain principles by which the different particulars, in which he endeavoured to effect a reformation, would be connected into one system, which should grow up by degrees to greater perfection, and be productive of still increasing benefits.<sup>1834</sup>

Burke’s theory of reform was not a deference to the tides of meliorism independent of human will. It underscored, rather, the *conscious* effort by flesh-and-blood human beings to

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<sup>1831</sup> Langford, *Writings and Speeches*, III, 557.

<sup>1832</sup> Langford, *Writings and Speeches*, III, 492-93.

<sup>1833</sup> Langford, *Writings and Speeches*, III, 492.

<sup>1834</sup> Langford, *Writings and Speeches*, IV, 51.

adapt government to shifting political circumstances based on a structure of principles seeking to fulfill an aim. In other words, the principle of reform was not simply process-driven but goal-oriented. Principle gave change the coherence to grow with purpose. In the case of *Speech on Economical Reform*, the central principle was restoring the constitutional independence of Parliament by taming the Crown.

This conception does not align with Russell Kirk's description of Burke's notion of reform. "By and large, change is a process independent of conscious human endeavor, if it is beneficial change," Kirk writes in summarizing Burke's thought.<sup>1835</sup> This portrayal depicts a general impression of Burke: because he was skeptical of radical attempts to remold society, he advocated letting history take its course, calling on man to defer to the larger waves and shifts of society outside his control. Leo Strauss, similar to Kirk, writes that "the sound political order for him, in the last analysis, is the unintended outcome of accidental causation."<sup>1836</sup> Without a doubt, Burke certainly believed that civilizational growth was not the product of individual human design.

But these explanations are unsatisfactory in describing Burke's idea of change. In assessing *Speech on Economical Reform*, *Reflections*, and his other public writings and speeches, one can make a distinction in Burke's philosophy of reform: human beings did not possess the individual intellect necessary to refashion civilization in a way that could bring about a state of perfection, but they did possess the capacity to consciously reform the way institutions operated and policies carried out. As Burke realized, these changes helped set the direction for civilizational growth or decay. If reform was steered by a unity of principles and

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<sup>1835</sup> Kirk, *Conservative Mind*, 45.

<sup>1836</sup> Strauss, *Natural Right and History*, 314-15.

pursued in a steady manner, then human beings did possess meaningful power to change the way societies developed.

This general conception of reform was the guiding thread for Burke's specific notion of commercial improvement. As discussed, Burke recognized that his efforts in advancing liberty of trade—regarding, for example, the Free Port Act of 1766, the Irish trade bills, the repeal of middlemen trading practices, and the opposition to the government regulation of wages—were all steps in the grander process of setting England on firmer commercial principles. Consistent with his remarks above, these efforts were not “arbitrar[y]” or “random,” but rather reflected a synthesis of thought on the merits of liberal trade. Burke's idea of commercial reform was characterized not only by steady growth but by principled reason.

How, then, does *Speech on Economical Reform* relate to Burke's overall philosophy of political economy? There have been an assortment of answers to this question. Isaac Kramnick writes that the speech “reveals the glaring bourgeois face of Burke” and the capitalist sympathies in his thought.<sup>1837</sup> Rod Preece disputes Kramnick's portrayal. Preece says he was unable to find “one passage, not even a single sentence” in the speech “suggestive of laissez faire, of state withdrawal from economic intervention.”<sup>1838</sup> One might dispute Preece's observation with the most glaring example in *Speech on Economical Reform*. Burke's discussion of the inutility of the Board of Trade was defined by the idea that colonies achieved commercial prosperity when their trade was not regulated by the Board.<sup>1839</sup>

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<sup>1837</sup> Kramnick, *Rage of Edmund Burke*, 162.

<sup>1838</sup> Preece, “Political Economy of Edmund Burke,” 269.

<sup>1839</sup> Langford, *Writings and Speeches*, III, 537-38.

Still, Preece's larger point remains accurate: *Speech on Economical Reform* was not a manifesto for government restraint in the marketplace, nor was it a defense of capitalism. (This is conceptually and historically true, since the term "capitalism" hadn't arrived yet.) One did not need to be a strident advocate of market liberalism at the time to support restraining royal patronage and limiting government expenditure. Preece himself paints the speech as an argument for "rationalization, efficiency and impartiality..."<sup>1840</sup> Yet he goes on to write, in describing the message of the speech, "Rather than leaving to Providence, to the 'invisible hand,' the task of correcting disabilities, it is the responsibility of government to correct them."<sup>1841</sup> Preece falls into a similar trap as Kramnick in framing *Speech on Economical Reform* in binary categories of modern economic thinking: they depict the speech either for government intervention in the market or against it.

The best way to comprehend *Speech on Economical Reform* is to view it as an expression of Burke's opposition to the concentration of power in the Crown, and of his concern for a balance of power in British constitutional government in general. In the speech, and throughout his parliamentary career, Burke did not advocate toppling the monarchy; this would have been too radical a change, plus the monarchy was central to the British government in the first place and was a symbol of Britain's rich heritage. But he did seek to constrain the Crown, not only by limiting its public expenses but also by tempering its corrupt influence over MPs in Parliament. These were Burke's two stated aims in his reform bill.

Nonetheless, even if one cannot characterize *Speech on Economical Reform* as an exposition of economic doctrine, the speech does connect to Burke's thoughts on political

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<sup>1840</sup> Preece, "Political Economy of Edmund Burke," 270.

<sup>1841</sup> Preece, "Political Economy of Edmund Burke," 270.

economy. As established, Burke praises contracts and free commercial activities in his commentary. More important, his opposition to the concentration of power was rooted in a commitment to protecting constitutional liberty, which relied on preserving the primacy of Parliament and taming monarchical aggrandizement. Constitutional liberty was the foundation for the security of private property, and, consequently, the liberty to cultivate land and produce crops for trade. Thus while *Speech on Economical Reform* was not a direct statement on Burke's economic thought, as Kramnick and Preece suggest, its animating principles did reflect Burke's dedication to securing British liberty.

#### e. **Slavery and *Sketch of a Negro Code***

Burke's defense of the state and conception of reform in *Speech on Economical Reform* was not the only time he understood government to perform an important function in promoting the public good through steady change. Burke also believed the state had a pivotal role to play in stamping out the moral curse of slavery. Although it is not widely known, Burke's plan for abolition, *Sketch of a Negro Code*, is in many ways the harmonizing expression of his beliefs about reform, the state, and the impact of regulations on the economy: it identifies a moral wrong, proposes a way to gradually eliminate, and uses the burden of regulations in order to make it too costly to preserve.

Proposals to eliminate Britain's slave trade emerged in the second half of the eighteenth century. Maurice Morgann put forth the first formal English plan for gradual emancipation in 1772,<sup>1842</sup> and other proposals were floated in England in the 1770s. Eight

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<sup>1842</sup> See Christopher L. Brown, "Empire without Slaves: British Concepts of Emancipation in the Age of the American Revolution," *The William and Mary Quarterly* 56 (1999): 276-79. See also Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, NC: The University of North Carolina Press, 2006).

years after Morgann, Burke wrote *Sketch*, which he distributed publicly only after the election of 1780. This timing suggests that Burke recognized his views in opposition to slavery conflicted with the political sentiments of Bristol constituents, whom he represented from 1774 to 1780. He admitted later that any plan for immediate abolition at that time “would have appeared a very chimerical project.”<sup>1843</sup> Indeed, popular campaigns against the slave trade coalesced only after 1783.<sup>1844</sup>

Bristol was a leading English hub of trade, including the trade of African slaves. Although the peak of Bristol’s slave trade preceded Burke’s service to Bristol, the issue still carried political and economic weight in the minds of the city’s constituents.<sup>1845</sup> (Samuel Span, the Bristol merchant to whom Burke addressed his letter endorsing the Irish trade bills, was one of the members of a Bristol committee that defended the slave trade.<sup>1846</sup>) When William Wilberforce’s motion to abolish the trade was soundly defeated<sup>1847</sup> in the House of Commons in April 1791, Bristol celebrated by giving a half-day holiday for sailors and workmen, ringing church bells, firing a cannon, lighting a bonfire, and setting off fireworks.<sup>1848</sup>

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<sup>1843</sup> *Correspondence of Edmund Burke*, VII, 123.

<sup>1844</sup> Langford, *Writings and Speeches*, IV, 272.

<sup>1845</sup> P.T. Underdown, “Edmund Burke, the Commissary of His Bristol Constituents, 1774-1780,” *The English Historical Review* 73 (1958): 258. It is worth noting, however, that Bristol was also the site of anti-slavery agitation. It was not unusual for liberal Dissenters in the city to articulate the moral argument against slavery during this time period. See Kenneth Morgan, *Bristol and the Atlantic Trade in the Eighteenth Century* (Cambridge: Cambridge University Press, 1993), 150. According to John Latimer, the first provincial committee to agitate for the complete eradication of slavery started in Bristol, in 1788. See John Latimer, *The History of the Society of Merchant Venturers of the City of Bristol[;]With some Account of the Anterior Merchants’ Guilds* (Bristol: J.W. Arrowsmith, 1903), 185.

<sup>1846</sup> Latimer, *History of the Society*, 185.

<sup>1847</sup> *Cobbett’s Parliamentary History of England*, vol. XXIX, 359. The motion was defeated 163 to 88.

<sup>1848</sup> Morgan, *Bristol and the Atlantic Trade*, 150.

Burke's acknowledgment of the slave interests in English cities as an MP placed him in a delicate position in trying to reconcile politics with principle. One time he protested with merchants in opposition to an increased duty on imported slaves into Jamaica.<sup>1849</sup> More so, Burke was a qualified defender of the African Company, which oversaw Britain's slave trade between West Africa and the British West Indies and whose committee comprised members chosen by London, Bristol, and Liverpool.<sup>1850</sup> The Company presented Burke with a conundrum. Like the East India Company, it was a chartered company, a status that granted it institutional legitimacy in the eyes of Burke. Yet it engaged in human trafficking, a practice he disdained. The awkward tension in Burke's thoughts manifested itself in a parliamentary debate about the Company in 1777. During the discussion, Burke expressed support for giving the Company additional aid, but in the same speech he observed that the degenerative condition of Africans under European slavery was a "matter of reproach somewhere."<sup>1851</sup>

One final note is intriguing regarding Burke's treatment of the African Company. In a parliamentary debate in May 1772, Burke opposed a measure to restrict the number of merchants who could vote for members of the Company. He noted that while the East India Company was founded to be a monopoly, and thus demanded higher capital requirements for voters, the African Company was grounded in principles of freer commerce. Accordingly, Burke urged MPs not to "place upon the footing of a monopoly what was intended for a free trade."<sup>1852</sup> Burke did not deny that the African Company had displayed monopolistic tendencies. But his main point was that confining the number of voters to a

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<sup>1849</sup> Underdown, "Edmund Burke, the Commissary of His Bristol Constituents," 263-64.

<sup>1850</sup> Underdown, "Edmund Burke, the Commissary of His Bristol Constituents," 259.

<sup>1851</sup> Langford, *Writings and Speeches*, III, 341.

<sup>1852</sup> *Parliamentary History of England*, XVII, 508.



select class of merchants would lead to the further control of the slave trade in fewer hands, and thereby lead to the disturbance of natural market forces. Consequently, “the importers of slaves may set their own price, and raise what sums they please upon your planters.”<sup>1853</sup> This would “depopulate” colonies and “enhance” the price of sugars.<sup>1854</sup> Burke is essentially defending the principle of competition—albeit competition in the slave trade—against efforts that would limit it. As will be shown, Burke condemned slavery on moral grounds, but this debate shows that his awareness of market principles extended to human trafficking.

We return to *Sketch*. Twelve years after he drafted it, Burke sent the reform proposal, as well as a separate letter explaining his personal views on slavery, to Dundas on 9 April 1792, in the heat of parliamentary debate over the elimination of the slave trade. Attacks on the trade in the House of Commons had gained momentum since 1788.<sup>1855</sup> The number of petitions against the slave trade rose from one hundred and three that year to over five hundred by 1792.<sup>1856</sup> On 2 April 1792, one week before Burke sent *Sketch* and the accompanying letter to Dundas, the House of Commons agreed on the principle of gradual emancipation, even though a formal motion calling for complete eradication was denied.<sup>1857</sup> Two days later, Dundas, who had helped broker this compromise, faced harsh questioning from Wilberforce and Charles James Fox about when he was going to create a proposal for progressive abolition. The House then moved to address the question of gradual

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<sup>1853</sup> *Parliamentary History of England*, XVII, 508.

<sup>1854</sup> *Parliamentary History of England*, XVII, 508-09.

<sup>1855</sup> Burke to Henry Dundas, 9 April 1792, in *Correspondence of Edmund Burke*, VII, 122.

<sup>1856</sup> *Correspondence of Edmund Burke*, VII, 122n4.

<sup>1857</sup> Burke to Henry Dundas, 9 April 1792, in *Correspondence of Edmund Burke*, VII, 122.

emancipation again on 18 April,<sup>1858</sup> which explains the timing of Burke's correspondence to Dundas.

Burke's moral opposition to slavery<sup>1859</sup> dated back to at least 1757. That year he and William Burke<sup>1860</sup> published *An Account of the European Settlements in America*, which stated, "The negroes in our colonies endure a slavery more complete, and attended with far worse circumstances, than what any people in their condition suffer in any other part of the world, or have suffered in any other period of time."<sup>1861</sup> The only justification it gave for the institution was the "peopling our colonies," and the fact that the condition of slaves was the same in Africa.<sup>1862</sup> In 1765, *Annual Register* condemned the idea to allow the American colonies representation in the British Parliament on the grounds that the Americans were slaveowners, and thus did not hold the moral authority to govern a free English people.<sup>1863</sup> A

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<sup>1858</sup> See *Cobbett's Parliamentary History of England*, vol. XXIX (London: T.C. Hansard, 1817), 1055-1158, 1174-77; and Burke to Henry Dundas, 9 April 1772, in *Correspondence of Edmund Burke*, VII, 122.

<sup>1859</sup> In his speech on a bill for the relief of Protestant Dissenters, Burke defined slavery as "living under will, not under law..." See *Cobbett's Parliamentary History of England*, vol. XVII, 771n. (The footnote starts on 770.)

<sup>1860</sup> Burke and William Burke collaborated on *Account*. While William may have written the bulk of it, the writing's philosophical generalizations and insights into human nature reveal Edmund's thought. See Lock, *Edmund Burke*, vol. I, 125-27; and Bourke, *Empire & Revolution*, 162-63.

<sup>1861</sup> *The Works of Edmund Burke*, vol. IX (Boston: Charles C. Little and James Brown, 1839), 298. *Account* also notes that "one cannot hear without horror of a trade which must defend for its support upon the annual murder of several thousands of innocent men..." See page 301.

<sup>1862</sup> *Works of Edmund Burke*, IX, 301. As Daniel I. O'Neill notes, *Account* does acknowledge that the slave trade might obtain benefits from broadening its geographical range. See O'Neill, *Edmund Burke and the Conservative Logic of Empire* (Oakland: University of California Press, 2016), 76. O'Neill reaches, however, when he says that Burke, in 1757, "supported" slavery for "economic considerations." See page 78.

<sup>1863</sup> "Common sense, nay self-preservation, seem to forbid, that those, who allow themselves an unlimited right over the liberties and lives of others, should have any share in making laws for those, who have long renounced such unjust and cruel

decade later Edmund Burke denounced slavery as “that inhuman traffick” in “Speech on Conciliation with America.”<sup>1864</sup> In *Sketch of a Negro Code*, Burke announced that emancipation conformed with “the principles of true religion and morality...”<sup>1865</sup>

Burke’s moral opposition to slavery raises the first key connection between his views on the chattel institution and commerce: he distinguished between the free flow of commerce, which he ardently supported, and the trafficking of men and women, which he denounced. In a speech in May 1778 on the African Company, the *General Advertiser* reported Burke had “confessed” that he was “no advocate for a trade which consisted, in the greatest measure, of men’s bodies, and not of manufactures.”<sup>1866</sup> Two other media outlets reported that Burke “rejoiced at its downfall; for it was a trade of the most inhuman nature...”<sup>1867</sup> Burke, then, not only reiterates his endorsement of free commerce, but also makes a moral distinction between trading goods and trafficking human beings that is rooted in elements of natural law.

In the same speech, Burke noted that the decline of the African slave trade was due not to the lack of government interference but to the natural drop in demand. “He did not therefore attribute the decay of the African trade to the non-interference of Administration, but to its own inadequate nature...” the *General Advertiser* reported.<sup>1868</sup> Burke signaled his embrace of government restraint in the marketplace in the speech. He “did not look upon

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distinctions.” See *The Annual Register, For the Year 1765* (London: J. Dodsley, 1766), 37.

<sup>1864</sup> Langford, *Writings and Speeches*, III, 131. Burke does not explicitly support the idea to give slaves the franchise. Enfranchisement “has had its advocates and panegyrists; yet I never could argue myself into any opinion of it.” Langford, *Writings and Speeches*, III, 130-31.

<sup>1865</sup> Langford, *Writings and Speeches*, III, 563.

<sup>1866</sup> Langford, *Writings and Speeches*, III, 563.

<sup>1867</sup> Langford, *Writings and Speeches*, III, 563.

<sup>1868</sup> Langford, *Writings and Speeches*, III, 562.

the interference of Government as any benefit to commerce.”<sup>1869</sup> Moreover, “If a branch of traffic will produce an adequate return, he was convinced the spirit of the merchants would prosecute.”<sup>1870</sup> If the trade of goods reaps reward, merchants will naturally pursue further commercial intercourse in that industry.

Burke’s argument about the natural dissolution of the African trade lends a glimpse into his belief that slavery was not simply an issue of morality but also a question of supply and demand. Scholars have overlooked this additional layer of his thought on slavery, but it is crucial to understanding Burke’s efforts for gradual emancipation: Burke believed slavery was driven by *demand*. The “true origin of the trade was not in the place it was begun at, but at the place of its final destination,” he stated in his letter to Dundas.<sup>1871</sup> Therefore, Burke wrote, “I am very apprehensive that so long as the slavery continues some means for its supply will be found.”<sup>1872</sup> And because slavery was perpetuated by demand, reducing the demand for slaves would create a path for its eventual abolition: “[I]t is through a very slow progress, the chief effect of which is to be operated in our own plantations by rendering, in a length of time, all foreign supply unnecessary.”<sup>1873</sup>

Burke’s appreciation for supply and demand laws demonstrates why *Sketch* relies not on moral suasion but on a pragmatic structure of regulations to abolish the slave trade. The rules were intended to mitigate the harsh treatment of Africans in bondage, but they were also an expression of Burke’s belief that slavery could be gradually regulated out of

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<sup>1869</sup> Langford, *Writings and Speeches*, III, 562.

<sup>1870</sup> Langford, *Writings and Speeches*, III, 562.

<sup>1871</sup> Burke to Henry Dundas, 9 April 1792, in *Correspondence of Edmund Burke*, VII, 123.

<sup>1872</sup> *Correspondence of Edmund Burke*, VII, 123-24.

<sup>1873</sup> *Correspondence of Edmund Burke*, VII, 124.

existence.<sup>1874</sup> In *Sketch*, the regulations cover a dizzying array of components of the slave trade that impact four general areas: registered ships; the condition of the slave trade on the coast of Africa; the treatment of slaves on vessels to the West Indies; and the treatment of slaves in the West Indies. Consider one of *Sketch*'s first set of rules for ships off the coast of Africa, produced at length to accentuate the thicket of regulations Burke offers in the writing:

The said entry and register shall contain an account of the greatest number of Negroes, of all descriptions, which are proposed to be taken into the said ship or trading vessel; and the said ship, before she is permitted to be entered outwards, shall be surveyed by a Ship-Carpenter to be appointed by the Collector of the Port, from which the said vessel is to depart, and by a Surgeon, also appointed by the Collector, who hath been conversant in the service of the said trade, but not at the time actually engaged or covenanted therein; and the said Carpenter and Surgeon shall report to the Collector, or, in his absence, to the next principal Officer of the Port, upon oath (which oath the said Collector or principal Officer is hereby empowered to administer) her measurement, and what she contains in builder's tonnage, and that she has [ ]<sup>1875</sup> feet<sup>1876</sup> of grated Portholes between the decks, and that she is otherwise fitly found as a good transport-vessel.<sup>1877</sup>

In other words, an owner for a registered slave vessel would be required to state the number of Africans to be transported; and to have his ship checked by a ship carpenter and a surgeon, both of whom who must be appointed by a collector of the port, and who must report to the collector about the structure of the ship, including inspection of the vessel's tonnage and grated portholes. Burke's other regulations regarding the slave ship touch upon

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<sup>1874</sup> Of course, if Burke had employed the logic in his May 1778 speech regarding the gradual dissolution of the African trade, the regulations he proposes in *Sketch* might not have been necessary.

<sup>1875</sup> Langford, *Writings and Speeches*, III includes the brackets that were in Burke's original manuscript of *Sketch*.

<sup>1876</sup> "Feet" is not included in Langford, *Writings and Speeches*, III but is included in other collections of Burke's works (along with brackets preceding the word). See, for example, *The Works of Edmund Burke, With a Memoir*, vol. II (New York: Harper & Brothers, 1849), 391.

<sup>1877</sup> Langford, *Writings and Speeches*, III, 564.

all conceivable aspects of the African trade: the number of slaves that can be transported; the amount of provisions and water on the ship; clothing for the transported slaves; and guns (ostensibly of the slave traders) that could be shipped on the vessel. In short, Burke calls for slave trade vessels to be regulated heavily by a serpentine code of rules.

The second part of *Sketch* concerns the trade on the African coast, and presents a similarly complicated web of restrictions.<sup>1878</sup> It issues regulations stipulating that slaves could only be sold at designated marts; requiring civilian and military officials to oversee and approve the trade; and mandating that officials inspect the condition of slaves before they are traded. It further calls on the African Company to establish schools, hospitals, and churches at each trading post, and to hire chaplains, schoolmasters, and medical personnel to provide education, religion, and medical care to the Africans. The second section of *Sketch* also authorizes more oversight of the slave trade. In addition, Burke proposes an apprenticeship program: carpenters, blacksmiths, and surgeon should employ African apprentices and teach them about their trades. This particular provision reflects Burke's effort to help natives "enrich themselves by means more desirable"<sup>1879</sup> than trafficking human beings. Finally, if these British employees do not fulfill their jobs or respect the natives, they will be punished.

These measures, particularly the ones concerning education, religion, and medical care, signal Burke's humanity and cosmopolitanism. Nevertheless, it is clear what else Burke is trying to accomplish with such labyrinthine rules: raise the cost of trafficking slaves so high that it would reduce the incentive to trade them. This message is eminently compatible with Burke's broader reflections throughout his career on the nexus between government

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<sup>1878</sup> Langford, *Writings and Speeches*, III, 565-68.

<sup>1879</sup> Langford, *Writings and Speeches*, III, 565.

and commerce. When Burke opposed the state control of trade and employment contracts, he was, in effect, conveying that government regulations heightened the cost of engaging in the transaction, thereby diminishing its demand. This conclusion achieved its clearest expression in *Thoughts and Details*: “If we were wildly to attempt to force [wages] beyond [the result of their labour], the stone which we had forced up the hill would only fall back upon them in a diminished demand...”<sup>1880</sup> The other result would be “an aggravated price of all the provisions, which are the result of their manual toil.”<sup>1881</sup> Increase the cost of labor, and farmers would be less likely to hire workers. The cost of provisions would also rise due to the added costs.

Burke is applying the same reasoning in *Sketch* in the context of the African slave trade. He integrates his moral convictions and predilection for gradual reform with his awareness of supply and demand laws, with the hope that escalating the cost of human trafficking high enough would precipitate a decline in demand. Consider other examples of Burke’s plan to increase the regulatory burden of trading slaves on the African coast: he mandates that no slave should be sold who is older than thirty-five years old; who appeared to be taken by dealers through fraudulent means; who can read in the “Arabian or any other Book”; who is at least three months pregnant; or who is mentally or physically weak.<sup>1882</sup> Burke decrees that neither black nor European traders—notice that he recognizes natives’ complicity in slave trafficking—should be permitted to trade unless he is licensed and approved by the governor of the local jurisdiction. In the third section of *Sketch*, Burke puts forth a comparable list of intricate rules governing the treatment of slaves en route to their

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<sup>1880</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>1881</sup> Langford, *Writings and Speeches*, IX, 123.

<sup>1882</sup> Langford, *Writings and Speeches*, III, 568.

destination, including directives concerning additional inspections of the ship and the physical and material well-being of Africans.<sup>1883</sup> In essence, Burke is attempting to add so much regulatory weight onto the back of the slave trade that the activity eventually collapses.

Burke's fourth and final part of *Sketch* focuses on the slave trade upon arrival in the British West Indies, and is a continuation and expansion of the first two sections. It regulates the inspection and treatment of slaves and trading ports. It calls for slaves to have access to religion and education, including opportunities for exceptional African students to attend school in England.<sup>1884</sup> The plan also orders that slaves be afforded certain legal protections. Other rules promote marriage and family amongst slaves.<sup>1885</sup>

What distinguishes the fourth section of *Sketch* from the previous three parts, however, is its emphasis on protecting the property of slaves. Article 30 stipulates that no slaveowner may take from a slave "any land, house, Cattle, Goods, or Money acquired by the said Negro..."<sup>1886</sup> Article 31 goes even further by protecting the *inherited* property of slaves. If a slave "should die possessed of any Lands, Goods, or Chattels, and dies without leaving a wife or issue, it shall be lawful for the said Negro to devise or bequeath the same by his last will..." Burke writes.<sup>1887</sup> If a slave dies with a wife and children, his property would be divided according the Statute of Distributions of 1670, which gave judges the authority to distribute intestate estates in an equitable manner after the deceased person's debt obligations had been paid off.<sup>1888</sup>

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<sup>1883</sup> Langford, *Writings and Speeches*, III, 570-72.

<sup>1884</sup> Langford, *Writings and Speeches*, III, 576-77.

<sup>1885</sup> Langford, *Writings and Speeches*, III, 577-78.

<sup>1886</sup> Langford, *Writings and Speeches*, III, 579.

<sup>1887</sup> Langford, *Writings and Speeches*, III, 579.

<sup>1888</sup> Langford, *Writings and Speeches*, III, 579n1.



These brief provisions alert readers to core tenets of Burke's conception of political economy. It first augments his belief in the primacy of property rights. Second, by calling for the protection of inherited property, Burke is seeking to sustain the strength of slave families from generation to generation—an effort much like his message in *Tracts relating to Popery Laws* in regard to Irish Catholic households. For Burke, families, including slave families, are not momentary phenomena but links in a timeless human chain spanning the past, present, and future of civil society. Third, Burke's proposal to secure the property of slaves marks a convergence between his political economy and his cosmopolitanism. Burke's political economy valued property rights; his cosmopolitanism respected non-British cultures, as evidenced by his defense of Indians, not to mention his call for the humane treatment of slaves in *Sketch*. Hence in *Sketch*, Burke is aiming to root the British principle of property rights in slave societies in an incremental yet meaningful manner. In his judgment, men and women besides Britons deserved security of their private possessions.

The fourth part of *Sketch* also offers a window into Burke's attitude on the nexus between virtue and freedom. Article 28 states:

And whereas the habits of industry and sobriety and the means of acquiring and preserving property, are proper and reasonable preparatives to freedom, and will secure against an abuse of the same, be it enacted that every Negroe Man who shall have served ten years, and is thirty years of age, and is married, and has had two Children born of any Marriage, shall obtain the whole of Saturday for himself and his wife, for his own benefit, and after thirty seven years of age, the whole of friday for himself and his wife, provided that in both Cases, the Minister of the District and the Inspector of Negroes shall certify that they know nothing against his peaceable, orderly, and industrious behavior

1889  
...

These remarks carry a deep significance for Burke's political economy because they illustrate his view that individual virtue *and* economic freedom are preconditions for civil

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<sup>1889</sup> Langford, *Writings and Speeches*, III, 578-79.

liberty. Virtue consists of “industry” and “sobriety,” as Burke writes above; these are similar to the qualities Burke stresses in *Thoughts and Details* he believed should be encouraged amongst the laboring poor—“[p]atience, labour, sobriety, frugality, and religion...”<sup>1890</sup> More so, notice that Burke includes “the means of acquiring and preserving property” above as another prerequisite for civil liberty. From his perspective, the economic freedom to collect and cultivate property is essential to prepare oneself for the responsible enjoyment of political freedom.

This reasoning is not unlike his argument on behalf of granting Irish Catholics greater property rights. Burke was always careful to advocate for the incremental expansion of economic freedoms—economic in the sense of allowing minorities greater privileges for the acquisition of land and commercial goods—without endorsing complete political freedom. Such logic can be explained by Burke’s grasp of the connection between liberty and virtue: the one is inseparable from the other, and liberty cannot be exercised in an ethical manner unless men and women possess good habits and morals. “Men are qualified for civil liberty, in exact proportion to their disposition to put moral chains upon their own appetites...” Burke wrote in *Letter to a Member of the National Assembly*, in 1791.<sup>1891</sup> As evidenced by *Sketch*, one way he believed the individual could demonstrate this capacity for self-rule was to tend to his own property in a responsible manner. Furthermore, the burden was not simply on the enslaved to prove they were prepared for civil liberty; for Burke, slaveowners and the imperial power held the moral duty to grant slaves the opportunity to

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<sup>1890</sup> Langford, *Writings and Speeches*, IX, 121. Of course, the laboring poor in Britain had freedom, while slaves in the West Indies did not.

<sup>1891</sup> Langford, *Writings and Speeches*, VIII, 332.

acquire and retain property, in order to help Africans cultivate the habits of industry and propriety necessary for freedom.

Even though Burke's proposals in *Sketch* reveal a firm sense of humanity for slaves, some of his ideas from a modern perspective reinforce stereotyped images of the undisciplined, non-European savage needing to be civilized by Christian Europeans. Beyond proposing to give slaves more freedoms, Burke's measures call for the punishment of slaves for acts of criminality and impropriety. (He also mandates that British servants and traders be punished for the poor treatment of slaves, though not with the same severity.) He goes so far as to justify the re-enslavement of blacks if they are convicted twice for misdemeanors such as disorderliness or idleness.<sup>1892</sup> Burke's repudiation of seemingly uncivilized behavior is not confined to the African race or culture, however; he notes that the countries "bordering on the Black Sea" were "equally barbarous."<sup>1893</sup> The other weakness of *Sketch* was a pragmatic concern: it lacked strong enforcement mechanisms to implement the regulations. Burke acknowledged this flaw but hinted that it would not be difficult to create penalties for violations.<sup>1894</sup>

Burke was under no illusion about the moral depravity of slavery. But, as he recognized, the mood of the times in which he drafted *Sketch* demanded a far more gradualist approach than in the late 1780s and early 1790s, when antislavery sentiment had seeped into the consciousness of the British public and legislators. The striking characteristic about the development in Burke's approach to slavery is its shift from political prudence to explicit moral condemnation; while *Sketch* advocated an incremental strategy for

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<sup>1892</sup> Langford, *Writings and Speeches*, III, 580-81.

<sup>1893</sup> Langford, *Writings and Speeches*, IV, 278.

<sup>1894</sup> Burke to Henry Dundas, 9 April 1792, in *Correspondence of Edmund Burke*, VII, 125.

emancipation, by 1789 Burke was saying in Parliament that on “the score of prudence nothing could be said in defence of it...”<sup>1895</sup> Nine days later he said that slavery was “absolutely robbery” and should be “totally eradicated” rather than “partially alleviated.”<sup>1896</sup> Remember that Burke at this time was not representing Bristol, brimming with its powerful pro-slavery trading interests, but rather Malton.

Burke made these comments in two speeches immediately following Wilberforce’s initial resolutions against the slave trade in May 1789. Burke’s other remarks in his speeches, made on 12 May and May 21 1789, convey three noteworthy points about his idea of political economy in the context of slavery. First, in his 12 May speech he underlines his distinction between the commercial activity of goods, which he fervently supports, and the trafficking of human beings, which he denounces. “All capitals required active motion, it was in their nature not to remain passive and unemployed...” he says.<sup>1897</sup> This logic should not apply to human beings, however, and it was the responsibility of the state to ensure that the flow of commerce did not offend principles of humanity. “[I]f a large capital were employed in a traffick, disgraceful to the nation, and shocking in humanity, it was the duty of that House to change its application...” Burke declares.<sup>1898</sup> The capital should instead be employed in a trade “advantageous in its end, respectable in its nature, and useful to mankind.”<sup>1899</sup> Moral concerns were inescapably attached to questions of commercial enterprise.

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<sup>1895</sup> Langford, *Writings and Speeches*, IV, 273.

<sup>1896</sup> Langford, *Writings and Speeches*, IV, 277.

<sup>1897</sup> Langford, *Writings and Speeches*, IV, 273.

<sup>1898</sup> Langford, *Writings and Speeches*, IV, 273.

<sup>1899</sup> Langford, *Writings and Speeches*, IV, 273.

Second, Burke objects to the argument that existing investment in the slave trade made it necessary to continue it. He argues that capital could instead be directed to other trades. “[F]rom its active principle when taken out of that [slave] Trade, it would soon find employment in another channel,” he notes.<sup>1900</sup> It is not insignificant that Burke repeats “active” in two instances in this speech—here, in referring to the “active principle,” and above, in referring to “active motion.” He is hinting at an Invisible Hand-type phenomenon that naturally steers capital toward economic opportunities. Burke provides the example of Liverpool traders. Their African trade was damaged during the American war. But, Burke continues, Liverpool shipowners “had their ships employed either as transports in the service of Government or in other ways.”<sup>1901</sup> Capital is not a static phenomenon naturally limited to single industries, but rather a gift that can be employed through a variety of channels in order to produce commercial affluence.

Burke’s final noteworthy point was made in his 21 May speech. He argues against the idea that West Indian merchants should be compensated for their loss of wealth from abolition. Burke observes that government “gave their encouragement to certain species of commerce” as long as it was necessary, in the government’s judgment, or as long as the support was “conducted on such principles of equity and humanity...”<sup>1902</sup> He suggests that the state, perhaps referring to the African Company, plays a tenable role in supporting particular commercial endeavors. But if the trades contravened laws of morality, Parliament was “certainly competent”<sup>1903</sup> to end its support for them.

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<sup>1900</sup> Langford, *Writings and Speeches*, IV, 273.

<sup>1901</sup> Langford, *Writings and Speeches*, IV, 273-74.

<sup>1902</sup> Langford, *Writings and Speeches*, IV, 278.

<sup>1903</sup> Langford, *Writings and Speeches*, IV, 278.

Moreover, the merchants who benefited from the government assistance had no legitimate grievance for remuneration because they knew full well when they entered into the slave trade that it was artificially buoyed by the state. “It was, therefore, but just they should be prepared to abide by the losses arising from that sanction and encouragement being withdrawn,” Burke says.<sup>1904</sup> In sum, merchants had no right to receive monetary compensation for the dissolution of a trade that was buttressed by government in the first place.

What impact did *Sketch* exert in British political affairs? It is difficult to measure. On 23 April 1792 Dundas proposed resolutions to regulate the slave trade and then abolish it in 1800. Four days later the House voted to end it in 1796, but the House of Lords prevented any further movement at the time.<sup>1905</sup> That year, William Windham noted during a parliamentary debate on abolition that *Sketch* was an effort “of the most extensive benevolence as well as comprehensive genius...”<sup>1906</sup> Wilberforce read a copy of *Sketch*,<sup>1907</sup> and thought enough of Burke’s proposal that he still contemplated using it as a guide for abolition over two decades after Burke had died.<sup>1908</sup> Burke was frequently cited, along with other early opponents of slavery, by abolitionist groups in the United States.<sup>1909</sup> Burke

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<sup>1904</sup> Langford, *Writings and Speeches*, IV, 278.

<sup>1905</sup> Burke to Henry Dundas, 9 April 1792, in *Correspondence of Edmund Burke*, VII, 125.

<sup>1906</sup> *Cobbett’s Parliamentary History of England*, vol. XXXII (London: R. Bagshaw, 1818), 894.

<sup>1907</sup> William Hague, *William Wilberforce: The Life of the Great Anti-Slave Trade Campaigner* (Orlando: Harcourt, Inc., 2007), 140.

<sup>1908</sup> Burke to Henry Dundas, 9 April 1792, in *Correspondence of Edmund Burke*, VII, 125.

<sup>1909</sup> See, for example, “Mottoes for Anti-Slavery Wafers,” *The Liberator*, October 22, 1841, 1, accessed February 18, 2017, <http://fair-use.org/the-liberator/1841/10/22/the-liberator-11-43.pdf>; William Goodell, *Slavery and Anti-Slavery; A History of the Great Struggle in Both Hemispheres; With a View of the Slavery Question in the United States* (New York: William Goodell, 1853), 28; William H. Seward, *Speech of William H. Seward, in the Senate of the United States, July 29, 1852*

himself supported Wilberforce's motion in 1791<sup>1910</sup> in favor of abolition, but the motion was defeated.

Burke's attempt to give slaves greater opportunities for property ownership, commercial acquisition, and apprenticeships presents a critical philosophical implication for his idea of political economy by insinuating that Africans were not condemned to bondage by their background. *Sketch* mandates a strong sense of human *agency* on the part of slaves: to take advantage of educational opportunities, learn new trades, and gain and bequeath property to their loved ones. For Burke, human nature was flawed, but individuals from wide-ranging backgrounds—Irish, Indian, American, African—all possessed the capacity for self-improvement. The human condition was not frozen. This belief perhaps explains why Burke, in a draft for a speech in 1792, wrote that slavery was “contrary to Nature.”<sup>1911</sup>

If slavery was contrary to nature, then the chattel institution, far from taming barbarous individuals, worsened the civilizing process. In his 21 May 1789 speech, Burke commented in regard to Britons' buying of slaves, “While we continued to purchase them, they must ever remain in a state of savage barbarity; for it was impossible to civilize a slave; it was contrary to the system of human nature.”<sup>1912</sup> In Burke's judgment, it was necessary for *Sketch* to emphasize the inculcation of education, morals, and religion, if only because slavery had robbed African slaves of the opportunities necessary to build up civilization. Liberty required virtue, but liberty was also its seed.

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(Washington: Buell & Blanchard, 1852), 15; and William Jay, *Miscellaneous Writings on Slavery* (Boston: John P. Jewett & Company, 1853), 144.

<sup>1910</sup> Cobbett's *Parliamentary History of England*, vol. XXIX, 358.

<sup>1911</sup> Lock, *Edmund Burke*, vol. II, 321.

<sup>1912</sup> Langford, *Writings and Speeches*, IV, 278.

## Chapter 10: Conclusion

### a. Burke's Philosophy of Political Economy

Burke's idea of political economy escapes modern classifications. Contemporary labels used to describe economic doctrines—free-market capitalism, classical liberalism, libertarianism, individualism, progressivism, socialism, Communism—emerged after Burke's death in 1797. The additional difficulty is that Burke was a practicing statesman as well as a philosophical thinker. He encountered a wide range of economic issues in his parliamentary career that were specific to a particular time and particular political situation. Even though this dissertation has frequently referred to Burke's economic thoughts as representing a “philosophy” or “theory,” how can a legislator even possess a “philosophy” of political economy if his views were determined by contingent circumstances?<sup>1913</sup>

Yet a careful reading of Burke's reflections on political economy does reveal an underlying coherence to his economic thought that transcended questions of prudence, utility, and tradition. Burke formed these principles much like he approached questions relating to other political matters as a thinker-statesman: he zoomed in to acquire knowledge about the particular economic circumstance at hand, and then zoomed out to gaze at the economic question from afar in order gain a broader philosophical understanding of its implications for the British Empire, and for the international arena as a whole.

Burke's beliefs that relate strictly to commerce can be summarized in a number of core tenets: government should restrain itself from intervening in domestic markets; government should relax foreign trade barriers, as long as doing so does not sacrifice

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<sup>1913</sup> Of course, the belief that human affairs cannot be categorized neatly according to rationalist principles is itself a tenable philosophy.



national security concerns; commerce thrives best when freed from the burden of arbitrary regulations; and arbitrary regulations heighten the cost of goods and labor.

In addition, supply and demand laws efficiently steer the circulation of goods to where they are needed; a providential force—Burke’s “benign and wise disposer of all things”<sup>1914</sup> and Smith’s “Invisible Hand”—transforms self-interest into collective benefit; market competition lowers the cost and raises the quality of goods; market competition benefits the poor and disempowered; and the competitive price system is a far more effective instrument at regulating wages and contracts than magistrates.

Burke’s chief economic principles also include the ideas that avarice under market competition is a force for the greater good; voluntary exchange produces reciprocal benefits for transacting parties; middlemen play an important role in the efficient distribution of goods; commercial liberty generates public prosperity; market competition engenders commercial virtue; and currency should not be devalued by excess paper money.

In addition, Burke’s philosophy of political economy incorporates important reflections on the primacy of landed property. In his judgment, landed property is the ballast of constitutional government and constitutional liberty. It is a province of agricultural and technological innovation. Inherited land also furnishes the stable intergenerational environment in which commercial vitality can thrive. More deeply, the right to private property is derived from the law of nature and acquires authority through prescription. The seizure of private property is tyranny.

As this dissertation has argued, moreover, Burke’s political economy cannot be sufficiently understood without stressing his insights into the *limitations* of commerce. These

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<sup>1914</sup> Langford, *Writings and Speeches*, IX, 125.

insights include: commercial culture cannot sustain itself without ethical preconditions; religion and traditional virtue are more important than commercial affluence; commerce was not fully responsible for creating modern civilization; the classical and Christian heritage set forth the conditions necessary for the efflorescence of commerce; man has a moral duty to give charity to the poor when supply and demand laws fail; avarice unhinged from market forces breeds persecution and corruption (thereby undermining traditional virtue); the commercial trafficking of human beings violates the law of nature and should be abolished; and liberty requires virtue.

With these principles in mind, secondary accounts of Burke's political economy are inadequate. It was not simply a defense of a Whig aristocracy, or an argument for landed property. It was not just an endorsement of capitalist enterprise, or classical liberalism, or a reflection of a prudent statesman who moderated his mercantile convictions over time. Rather, the best way to describe Burke's philosophy of political economy is to highlight the harmonizing elements from these accounts. Burke's philosophy was a firm defense of market exchange informed by the beliefs that competition is a source of virtue and social utility *and* that commerce cannot thrive without a pre-economic cultural and ethical structure. Call it traditional virtue economic liberalism.

#### **b. The Relationship Between Burke's Philosophy of Political Economy and Political Philosophy and the Question of Burke's Conservatism**

Based off these central precepts of Burke's economic thought, one can discern lines of consistency between his philosophy of political economy and his political philosophy. The most fundamental similarity is a question of reason: his aversion to the intrusion of abstract rationality in socioeconomic activities is similar to his condemnation of Jacobin rationality in

*Reflections* because, in both cases, a perverted form of theoretic reason failed to reflect the sheer complexity of human activities. This imposition of abstract reason through force imperiled the stability *and* progress of markets and civilization.

Burke's distaste for abstract reason reflected a wider antipathy for the concentration of economic and political power in few hands. Burke's political activities throughout his parliamentary career were defined by efforts to prevent the Crown from becoming the center of British politics. Constitutional government required balance, and this balance was disrupted if the king assumed too much authority. Consequently, the people's constitutional liberties would be threatened, and the monarchy would collapse into despotism.

Burke applies this reasoning to the concentration of economic power. He maintained that an individual should have a monopoly *on his own capital*, but he generally disapproved of the idea that economic power should reside in few hands—particularly if those hands were government officials. This belief illustrates why Burke showed a strenuous resistance to granting magistrates more power to regulate wages and set the conditions for employment contracts. It also explains Burke's repudiation of arbitrary trade duties erected by governments. Most famously, Burke's opposition to the concentration of economic authority manifested itself in his reproach of the East India Company. The Company represented the worst of both worlds: it mixed its economic power with political monopoly to wreak havoc on Indian natives. For Burke, when political and economic forces came into contact with each other, they could persecute the people by overturning supply and demand laws, seizing profit and property, dictating the terms of contract, and fueling bribery and corruption.

Burke's defense of the landed aristocracy smoothly complemented his hostility to the concentration of economic and political power. As discussed, landed gentlemen in

Parliament stood as the moderating forces between the king and the people. They served an essential political purpose by securing constitutional liberty for the people. More so, landed aristocracies impacted economics as well. Burke recognized that private estates could be incubators of agricultural ingenuity and technological advancement. Burke himself represented this blend. He was a member of the landed gentry but also a farmer known for his experimentation, progressive ways of cultivation, and ability to reduce costs while maximizing returns.<sup>1915</sup> Burke traded for profit, and was attentive to the fluctuations of the market.<sup>1916</sup> In essence, landed property provided for the diffusion of political and economic decision-making in private hands, not the state.

A third prominent similarity between Burke's economic thought and political philosophy is that both were influenced by his cosmopolitan inclinations. Burke defended the rights of the Americans, Indians, Irish, and Africans to possess property and trade, just as he made a demonstrated effort to respect their local political and cultural backgrounds. Commercial liberty furnished reciprocal benefits to traders regardless of blood or socioeconomic condition. The compass of this economic and political cosmopolitanism was the collection of natural law precepts that helped shape Burke's political and moral philosophy.

Fourth, Burke's economic thought and political philosophy were woven together by the idea of progress. Burke is famous for supporting the notion that a society can change by renewing and modifying the wisdom of the past in order to fit contemporary circumstances. Secondary accounts typically stress how Burke's conception of progress encompassed

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<sup>1915</sup> See Carl B. Cone, "Edmund Burke, the Farmer," *Agricultural History* 19 (1945): 65-69. See also "Burke's Historical Milieu I: Brief Biography," Chapter 2.

<sup>1916</sup> Langford, *Writings and Speeches*, IX, 137-40.

improvement in politics, law, and culture. But it also included *economic* improvement, stimulated by market competition, voluntary exchange, and the relaxation of stiff trade regulations.

Because Burke always carried out his statesmanship with an eye toward Britain's national interests, economics was not necessarily subordinate to the wider political aims of the British Empire. Burke's qualified support for the Navigation Acts exemplifies this priority. Nevertheless, even if economics did not ultimately triumph over politics in Burke's thought, Burke consistently argued for the liberation of economic activity from political decision-making. His efforts to repeal the statutes against middlemen trading practices; his support for the relaxation of trade restrictions between England and Ireland; his opposition to the government regulation of wages and contracts; and his attempt to free Indians from the political domination of the East India Company all testify to Burke's conviction that politics frequently thwarted the commercial growth of market economies.

In this sense, Burke's conception of political economy was in many ways a body of thought that aimed to *drain* politics from the economic arena. The state regulation of wages was not an effective economic policy but an arbitrary mandate. High trade barriers reflected the misguided political belief that one nation's gain came at another nation's expense. The suppression of private property rights was simply a way for Britain to persecute its imperial subjects. The nationalization of church lands and sale of *assignats* did not advance France's economic interests but instead undermined them. The swollen expenditures of the royal household did not represent a dignified monarchy but an undisciplined executive. In Burke's view, an economy removed from political tinkering was an economy that strengthened the well-being of the political community.

Mindful of these beliefs of Burke's political economy, how can we better understand Burke's place in conservative and liberal political traditions in modern America? While Burke sought to conserve the salutary aspects of traditional virtue and chivalry that built up European civilization, he also championed the emergence of modern commercial activity. He was not afraid to capsize economic traditions when they were no longer necessary in his judgment, as evidenced by his leading efforts to repeal the laws banning forestalling, engrossing, and regrating. Furthermore, Burke fought to secure the property rights of the poor and the dispossessed, and was one of the first Englishmen to propose a coherent plan for the emancipation of African slaves.

Therefore, while Burke is known as the father of modern conservatism, it is important to remember that at the time he lived, he championed economic issues and policies that were in tune with what today we would consider to be the *liberal* sentiments of his time period—the relaxation of trade obstacles between nations, the liberation of commerce from the grip of the state, the endorsement of property rights for oppressed groups, and the defense of the competitive price system. In short, Burke's philosophy of political economy embodied his liberal instinct for change.

The distinct aspect of Burke's economic thought was his attempt to blend these liberal principles with the distilled wisdom of Europe's past before the advent of mass markets. Burke did not apprehend any tensions between traditional virtue and modern economies that could not be integrated and harmonized. There was no "sphinx" of political economy from his perspective because a properly balanced state blended market vibrancy with the pillars of religious conviction and political moderation. This latter trait comprised members of the clergy and the landed aristocracy—but, as Burke argued throughout his career, religion and land were not inherently in conflict with market economies. In fact, they

were indispensable to vigorous commercial activity by furnishing the stable conditions under which trading and bartering could thrive.

Of course, Burke was a man of letters before he was an economist. He thus held that *culture* was more important to sustaining civilization than a simple recitation of supply and demand laws or policymaking in Parliament, thereby illuminating his embrace of trial-and-error experience over rationalism. Indeed, culture included economics—but it also expressed a carefully refined wisdom drawn from the insights of philosophers, theologians, historians, artists, and writers that predated the blossoming of mass commercial dynamism. For Burke, if a political community could not protect this culture, it would struggle to preserve not only its political institutions but also its commercial vitality.

### c. **Burke's Philosophy of Political Economy in the Context of Modern Critiques of Capitalism**

Even if it is difficult to characterize Burke's philosophy of political economy through a modern lens, the value of his economic reflections is not bound by the historical time period in which he lived. Burke's thoughts are part of a wider stream of modern commentary on the implications of economic activity on modern man. Arendt's critique of modernity highlighted the elevation of the *homo faber*, fabricating man, and the *animal laborans*, laboring animal, over the rational actor in the *polis*. In its simplest formulation, this modern shift has given priority to economic activity over non-economy activity, signifying the productive capitalist pursuing profit over the political agent engaging in public discourse. Strauss's critique of modernity similarly marked the pivot from the classical pursuit of higher moral aims in the *polis* to the modern impulse for mere self-preservation. Eric Voegelin drew attention to the ideological temptations of modernity that have been fueled, in part, by mass

industrialization.<sup>1917</sup> The Catholic Church,<sup>1918</sup> while stressing the importance of private property, has spotlighted the negative impact of crass industrialization and excess commercialism on the human person, as have secular thinkers such as Karl Marx (though for different reasons).

These modern critiques understand the lurch toward economic activity, while producing some benefits, to have laid the conditions for instrumental rationality, in which an individual's life contains value only to the extent that he is a means to someone else's end. In economic and sociological terms, this insight underscores how men and women have been exploited through a train of abuses perpetrated by undisciplined capitalism, industrialization, and globalization. Modern man has been reduced to a clump of cells through the emancipation of economics from political and ethical control. Man has become dehumanized.<sup>1919</sup>

Burke was more willing to praise the virtues of market economies than these perspectives. As he argued in *Thoughts and Details*, the satisfaction of biological desires through voluntary exchange betters the psychological condition of man. "...[T]he happiness of the animal man," Burke writes, "...certainly goes somewhere towards the happiness of the rational man..."<sup>1920</sup> And yet, even though he lived in a time that preceded large-scale

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<sup>1917</sup> See Eric Voegelin, *From Enlightenment to Revolution*, ed. John H. Hallowell (Durham, NC: Duke University Press, 1995), 299-300.

<sup>1918</sup> See "Rerum Novarum," *The Holy See*, May 15, 1891, accessed February 27, 2017, <http://w2.vatican.va/content/vatican/en.html>; and "Quadragesimo Anno," *The Holy See*, May 15, 1931, accessed February 27, 2017, [https://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf\\_p-xi\\_enc\\_19310515\\_quadragesimo-anno.html](https://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html).

<sup>1919</sup> Of course, the alternative view is that individual autonomy over property of all kinds in modernity has lent a far greater dignity to man from all different socioeconomic classes than the privileged nature of property in the Greek *polis* and under feudalism.

<sup>1920</sup> Langford, *Writings and Speeches*, IX, 122.



industrial capitalism and other modern economic developments confronted by the thinkers above, his embrace of market economies was informed by a similar awareness of the limits of commerce. Burke's sharp rebuke of the French Revolution for monetizing human relationships, most glaringly through the nationalization of Gallican Church lands, was a bold expression of this recognition: he strongly resisted the reduction of social associations to the laws of supply and demand.<sup>1921</sup> Burke's censure of the French Revolution and the East India Company further anticipated modern concerns about the menace of instrumental reason. In both examples, rulers perceived their subjects as useful objects that could be exploited to serve grander political objectives. Man had been diminished to a chess piece, devoid of breathing, talking, and loving, and existing only as a cold device for the state's benefit.

#### **d. Applications for Today**

What wisdom does Burke's philosophy of political economy hold for today? We can start by highlighting what his economic reflections cannot offer. It is difficult to declare whether Burke would have supported particular tax rates or government welfare programs, given that the historical circumstances in eighteenth-century England differ vastly from those in twenty-first century America, the most important being that England was still an agricultural-based economy. Even the simple question of whether Burke would have championed particular policy prescriptions is premised on the idea that policy ideas were the foremost object of his economic reflections, when in reality they represented the surface level to his deeper thoughts on political economy.

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<sup>1921</sup> Even in this regard, Burke argued that the French Revolution was pursuing flawed economic policies.

Moreover, the import of Burke's commentary is weakened by his insufficient discussion on key questions relating to the relationship between politics and economics. Is there really *no* tension between the stability of landed property and the dynamism of commercial activity that can not be reconciled? What are the conditions under which it would be appropriate for government to intervene in domestic industries? Burke mentions fraud and abuse in passing, but never offers a coherent answer to this question. Even if commercial intercourse generates opulence in trading nations, is there not a moral role for government to assist traders or farmers who lose business from foreign competition? If trade barriers should be established to promote a country's national interest, how does one define "national interest"? Is private charity effective enough to alleviate the state of the poor? Burke's inadequate attention to these topics is due to a number of factors. He was not an economist removed from the demands of government activity but a practicing statesman. He researched *ad hoc* economic issues. In addition, Burke's efforts were consumed by a litany of intellectual and political pursuits, of which economics played an important but by no means overwhelming role. Burke's lack of sustained attention to these concerns also may simply reflect his limitations as an economic thinker.

Even if they do not provide explicit policy prescriptions, however, Burke's reflections do offer immediate insights into questions concerning economic issues today. His observations in *Thoughts and Details* highlight the difficulties in imposing uniform rationality through legislation on complex socioeconomic activities. The constant stream of exchanges, transactions, and contracts should make lawmakers hesitate before enacting a stiff rule that fails to take into account the complicated nature of private economic decision-making. In Burke's view, voluntary contracts between parties are often more effective at arriving at mutually beneficial agreements than third parties. This does not mean that regulations should

or should not be implemented, but that a conscious awareness of the complexity of socioeconomic life is a precondition for an informed judgment on economic affairs.

Burke's thoughts on political economy also offer a cautionary message for reflexive proponents of market-based solutions for a host of social problems. While Burke praised voluntary exchange, he believed there was more to life than markets and economics, and that a fully formed person was attentive to a deeper reservoir of knowledge that touched religion, philosophy, literature, and morals. This lesson applies in particular to philosophers and historiographers of the political economy of the Enlightenment, who perceive the dawn of modernity to have ushered in an enlightened epoch of economic freedom unburdened by the heavy hand of the medieval past. Burke's economic thought is uncommon in this respect: he ardently supported the flowering of modern commercial liberty, but, unlike many contemporary champions of economic freedom, he maintained that the Enlightenment flourishing of markets was the product of the West's ancestral heritage, not a departure from it.

This attentiveness to the collected wisdom of the past brings to light the most important lesson of Burke's political economy. His denunciation of the French Revolution alerts modern man to the perils of deflating social relations to vehicles of transactional exchange. Burke praised money, even avarice, for spreading commercial affluence, promoting the interests of farmers and laborers, and helping steer goods in an efficient manner. But he denounced the *monetization* of that which, in his view, eclipsed considerations of money and utility: the chords of friendship. As Burke said, there was an "unbought grace of life,"<sup>1922</sup> such as chivalry, that market exchange could not purchase.

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<sup>1922</sup> Langford, *Writings and Speeches*, VIII, 127.

In other words, civilization did not endure simply because of exchange economies and the biological drive for self-preservation. Burke famously wrote in *Reflections*:

Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure—but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, callico, or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties... it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature.<sup>1923</sup>

The character of society transcends voluntary agreements made by autonomous individuals over money or goods. Market liberty and commercial exchange are important parts of a prosperous community. But civilizational order, and growth, demand something deeper: a humble commitment to respecting and reforming the traditions of the past, social bonds of affection, a moral code, cultural renewal, and religious piety. Society is “a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection.”<sup>1924</sup> Man is not *homo economicus* but *zoon politikon*.

More so, the social contract does not perish after each generation. “Each contract of each particular state is but a clause in the great primaeval contract of eternal society...” Burke wrote.<sup>1925</sup> Civilization endures even when transactional exchange is fleeting—if citizens fulfill their moral responsibilities to their fellow man. In the end, while enthusiasts for market competition might question Burke’s embrace of traditional virtue, and while defenders of traditional virtue might resist his support for free commerce, each would do well to consider his arguments. Indeed, at the same time he was passionately defending the

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<sup>1923</sup> Langford, *Writings and Speeches*, VIII, 146-47.

<sup>1924</sup> Langford, *Writings and Speeches*, VIII, 147.

<sup>1925</sup> Langford, *Writings and Speeches*, VIII, 147.

laws of supply and demand in *Thoughts and Details*, Burke self-consciously violated them by offering high-quality bread to the poor in his neighborhood at below-market rates.<sup>1926</sup>

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<sup>1926</sup> See Prior, *Life of Edmund Burke*, 422-23. One year later, Burke further violated supply and demand laws by offering a poor French émigré family free rent at a cottage under his name. Burke was looking for a family who would enroll a son at Burke's school for children of French émigré families. See Lock, *Edmund Burke*, vol. II, 553-54.

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*\*Note: Burke's edited journal, The Annual Register, will be included in the Secondary Scholarship section. Burke most likely relinquished his editorial duties after 1765.*

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