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Burke's Speech at the Bristol Guildhall Previous to the Election of
1780

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Ultimately, in his canvass of Bristol of September 1780, Burke had to confront an array of small grievances, all of which turned on the perception that his national stature had come at the expense of local attentiveness. He had been slow to begin his canvass; and this was wrongly taken as a sign of detachment. Yet he believed that he had served Bristol honorably; and no one had reason so suppose that the honor had grown indifferent to him. The great speech that marks this canvass assumes that the electors may want him to retire. If so, he will submit to their change of mind; but he cannot regard such a verdict as a censure of his conduct. If, on the other hand, they ask him to proceed he will remain a candidate whose qualifications cannot cause them shame. Here, as in the speech on his election in 1774, Burke eschews all counterfeit deference toward the public. In a large and heterogeneous society there are bound to be divisions of honest judgment, and "the very attempt towards pleasing every body, discovers a temper always flashy, and often false and insincere." Her offers, therefore, to explain, but not to reverse, the parts of his conduct that have been most objected to. His listeners, meanwhile, are warned that this "eventful period" (when the American war turned against England and the Irish Volunteers threatened an upheaval close to home) "has crowded into a few years space the revolutions of an age." They must not recoil and attempt to adjust their opinions with each new

shock, but keep their poise, as Burke has tried to keep his. "Look, Gentlemen, to the whole tenour of your member's conduct."

Burke's independence--not of his party but of the Court--remained a rare distinction to which he was willing to call attention. "None will serve us," he remarks, "whilst there is a court to serve, but those who are of a nice and jealous honour." Such persons ought to be treated with care, lest they be driven from the public stage or prompted to secure their interest by looking to the court for protection. In this way, Burke returns to the imperative of his 1774 Speech at the Conclusion of the Polls (with the added knowledge of six years service) to speak for the allowances owed to men of intellectual energy like himself. If "we do not give confidence to their minds, and a liberal scope to their understandings; if we do not permit our members to act upon a very enlarged view of things; we shall at length infallibly degrade our national representation into a confused and scuffling bustle of local agency."ⁱ By implication, this gives a high-minded view of the internal deliberations of representatives; whereas the duties of local representation are demoted to a species of errand-running: all push and elbow work and nosing ahead. Who would choose it? Yet Burke draws the unpleasant contrast with the aim of preserving a republican manliness against "the monopoly of mental power" which the court would otherwise enjoy. Granted the people may be a drag on the efforts of a representative. Still, the partial authority of the people has become a political good worth defending; and they cannot defend it by themselves. Without the free assistance of such men as Burke, "on the side of the people there will be nothing but impotence: for ignorance is impotence; narrowness of mind is impotence." Here he picks up a thread from his argument on Economical Reform--though the excessive influence of the court is not among the topics raised at the

start of the present speech. The court still wants "to make its servants insignificant." And if the people should agree, and turn Burke out of office, it will be a sign of the old imbalance--"no part of the state will be sound." A strong parliament (and only a few men make it so) is required to mediate between the people and the court.

Of the four charges he intends to confront--neglect of his Bristol constituents; letting down his side by impartial conduct in the Irish trade debates; opposition to lenders and creditors in his endorsement of Lord Beauchamp's Debtors Bill; and support for the repeal of Catholic disabilities--Burke gives his shortest answer on the first point.

I live at an hundred miles distance from Bristol; and at the end of a session I come to my own house, fatigued in body and in mind, to a little repose, and to a very little attention to my family and my private concerns. A visit to Bristol is always a sort of canvass; else it will do more harm than good. To pass from the toils of a session to the toils of a canvass, is the furthest thing in the world from repose. I could hardly serve you as I have done, and court you too.ⁱⁱ

Burke does not say that he needs to spend more time with his family. He is fatigued because of his services to his country; and he could hardly excuse himself to leave that pursuit for something smaller. Besides, his work on behalf of his Bristol constituents is done at the Treasury, the Admiralty, the Customhouse and the House of Commons: "I ran about wherever you affairs could call me; and in acting for you I often appeared rather as a ship-broker, than as a member of parliament." These little services for city interests he has felt all along as an indignity--but these he performed without complaint, so long as the requests did not contradict his public duties. His absence has been

caused by the continuous pressure of the American war. And on that question Burke has kept a constant mind: he thought the war wrong before it failed. It was this work of national service--his own steadiness of judgment while the opinions of Bristol drifted according to the news of the latest battle--that occupied him when he might have paused to answer the local moves against him as far back as the Battle of Long Island in August 1776. He reminds his listeners what he lives for--what the province of the statesman may be--when he speaks of "our great, but most unfortunate victory at Long Island." His was the warning voice in parliament:

This victory, which seemed to put an immediate end to all difficulties, perfected in us that spirit of domination, which our unparalleled prosperity had but too long nurtured. We had been so very powerful, and so very prosperous, that even the humblest of us were degraded into the vices and follies of kings. We lost all measure between means and ends and our headlong desires became our politics and our morals. All men who wished for peace, or retained any sentiments of moderation, were overborne or silenced; and this city was led by every artifice (and probably with the more management, because I was one of your members) to distinguish itself by its zeal for that fatal cause. In this temper of yours and of my mind, I should sooner have fled to the extremities of the earth, than have shewn my face here.ⁱⁱⁱ

Burke strove against the greed and delusion that made so many elements of this trading city clamorous for war; to quell the fever was an empty hope so long as victories made the wildest of patriots heady with success. The same people now acknowledge their error. But how can they wish Burke himself had tried to correct what evidently only nature and fortune could change? Even as he gives reasons for his absence, he asks

his listeners to regret, as he does, "that spirit of domination, which our unparalleled prosperity had but too long nurtured."

It was only a slight exaggeration--in those days of street fighting in London and the march and countermarch of vigilantes--for Burke to say that he hardly dared to show his face in Bristol. The enthusiasts for war are--and not only in this detail--subtly linked by Burke to the Gordon mob: susceptibility to the spirit of domination is general across all classes. The follies of kings are shared by the people, because they spring from the love of power. Kings like other people suffer all the delusions of power, and if they are the authors of the worst abuses, that is not because kings are kings but because power is power.

War creates so vast a mutation in the conduct and spirit of a people that no other issue can be untouched by its influence. Irish trade might seem a thing apart from the success of British armies; but when the Irish Volunteers arose, drilled and at the ready (but not for England's sake), the war came close to home again; and Burke's lonely dissent on America--when he said a victory would be more fatal to his country than a defeat--could hardly be separated from the supposed disloyalty of his support for lifting of trade restrictions. He was a moderate here, and not happy to press the Irish claims when backed by extortionate force. The tendency to resolve such a matter of interested dispute by the threat of violence suggested to him that the war was a poison that had diffused its effects everywhere. So questions that might once have been settled by compromise now passed instead from menace to capitulation. Burke, in this matter, is proud to have kept his balance. If it is said he acted as a native of Ireland on the trade question, the truth is that "the sphere of my duties is my true country."

The first set of concessions parliament had offered to Ireland were useless. The next were thrown out by Lord North; and Ireland then was "instantly in a flame" with its forty thousand volunteers and the king's army no longer acknowledged as legal. Meanwhile British law could not recognize the legitimacy of the volunteers. This was the state of things in which the people of Ireland demanded "a freedom of trade with arms in their hands." Parliament, having assented and then backed away, was frightened into going forward again. After the suppression of the trade of America and the new hope for restrictions on Ireland, the counter-threat made all the difference; there was, Burke recalls, "no reserve; no exception; no debate; no discussion. A sudden light broke in upon us all. It broke in, not through well-contrived and well-disclosed windows, but through flaws and breaches; through the yawning chasms of our ruin. We were taught wisdom by humiliation."^{iv} This sudden coming to terms Burke thinks as dangerous as the obstruction of all openings in Irish trade. The result of England's initial reliance on selfish force in America, and its impotent display of will without force in Ireland, has been to confirm a pattern of using violence itself as a settler of political disputes. In Ireland, the result was "the perpetual establishment of a military power, in the dominions of the crown, without the consent of the British legislature, contrary to the policy of the constitution, contrary to the declaration of right; and by this your liberties are swept away along with your supreme authority." The Irish Perpetual Mutiny Act was a characteristic product of the anti-conciliatory temper: a legal instrument of British patriotism, which subverted liberty in a vain attempt to offset a policy whose cynicism had become an embarrassment.

When Burke said the sphere of his duties was his true country--

courageous words that still have the power to astonish--he meant that Britain mattered to him only as it served the human good of the world. Even when he spoke of his country in a more parochial sense, he never meant less than all of Great Britain. But now he was asking the Bristol electors to acknowledge his prescience in a narrower sphere. He has served them well, after all, by acting on behalf of something larger; his ultimate guide has been the sympathy with which he put himself in the place of another, or many others:

What! Gentlemen, was I not to foresee, or foreseeing, was I not to endeavour to save you from all these multiplied mischiefs and disgraces? Would the little, silly, canvass prattle of obeying instructions, and having no opinions but yours, and such idle senseless tales, which amuse the vacant ears of unthinking men, have saved you from "the pelting of the pitiless storm," to which the loose improvidence, the cowardly rashness of those who dare not look danger in the face, so as to provide against it in time, and therefore throw themselves headlong into the midst of it, have exposed this degraded nation, beat down and prostrate on the earth, unsheltered, unarmed, unresisting? Was I an Irishman on that day, that I boldly withstood our pride? Or on the day that I hung down my head, and wept in shame and silence over the humiliation of Great Britain? I became unpopular in England for the one, and in Ireland for the other. What then! What obligation lay on me to be popular? I was bound to serve both kingdoms. To be pleased with my service was their affair, not mine.

I was an Irishman in the Irish business, just as much as I was an American, when on the same principles, I wished to concede to America, at a time when she prayed concession at our feet.^v

Nothing shows here of the coolness with which Burke had been charged by his Bristol detractors. The local charges against him, that he had been unmindful of his duties toward mercantile interests, or shown excessive leniency or partiality to Ireland, are answered by his image of the conscientious statesman who uses all his abilities. He has not helped his constituents to cheer for themselves. They do that very well without him. Why should he cant their praise unless by doing so he could secure an advantage they would otherwise lack? The faculty by which he really assists them is foresight. Its deliverances can help to remove injustice and thereby indirectly realize gains for the commonwealth. So Burke the speaker, writer, and member of parliament, sees himself as gifted with the art of persuading. This means that he exists to remind others of oppressions and cruelties that a selfish imperceptiveness excludes from consciousness. And his ability is connected to a sense of solidarity with the oppressed, even when they are strangers; perhaps most of all with strangers, because they afford a gratuitous occasion for sympathy. "I confess to you freely," says Burke, "that the sufferings and distresses of the people of America in this cruel war, have at times affected me more deeply than I can express. . . . Yet the Americans are utter strangers to me." If he can feel thus for the Americans whom he has never meet, how can he do less for the Catholics of Ireland and England, whose interests and predicament he knows intimately?

So Burke proposes to act as the voice of a moral imagination--in a deeper and wider sense of those words than he would later employ in Reflections on the Revolution in France. His susceptibility here goes beyond habit and the "wardrobe" of common beliefs and prejudices, and adds the claim of imagining a generous power of action through moral recognition. He knows that he is implicated in the events of Ireland

and America, and that the violence or misery with which England afflicts its opponents will one day return against Britain itself. Moral recognition in a related sense--enlightenment of that blindness which cuts men off from knowing themselves--becomes an explicit subject of the speech by means of Burke's quotation from King Lear ("the pelting of the pitiless storm"); indeed the whole passage from Shakespeare is resonant with the concerns of this speech:

Poor naked wretches, where soe'er you are
That bide the pelting of this pitiless storm,
How shall your houseless heads and unfed sides
Your looped and windowed raggedness, defend you
From seasons such as these?

The people of Britain, by their rashness and improvidence, have gambled the wealth of the empire against American liberty, and against an Irish share in the profits from open trade. They looked to maintain their hold of all they possessed (like Lear), and have given up the shelter that could only come from relinquishing their pride. Burke, not for the last time, puts himself in the role of Kent, the defiant but loyal knight who speaks the truth to the king and his flatterers. His duty is not to be popular but to compel his master to "see well. . .and let me still remain/ The true blank of thine eye." He presses the dramatic parallel further by his own posture of intractability: "I was bound to serve both kingdoms. To be pleased with my service, was their affair, not mine." This self-respect, in the cause of service without dominion, goes with his belief in magnanimity and concession.

Yet Burke's pragmatic claim--supported by the history of America and Ireland in the years 1775-1780--is that a timely concession in the long run squanders less than a policy of force attended by uncertainty and subject to reversals. The keenest assertors of British power had

lately approached America with terms of peace which they deprecated two years earlier. Lord Carlisle, the mover of "an haughty and rigorous address against America," was placed at the head of an "embassy of submission" (as Burke calls it); William Eden, the associate of Lord Suffolk (who had called the American leadership "a Congress of vagrants"), went with Carlyle to America late in 1778 to search out the British generals and join them "in the same commission of supplicating those whom they were sent to subdue." Here at the height of his rhetorical power Burke surveys the scene of attempted domination and abject withdrawal:

They enter the capital of America only to abandon it; and these assertors and representatives of the dignity of England, at the tail of a flying army, let fly their Parthian shafts of memorials and remonstrances at random behind them. Their promises and their offers, their flatteries and their menaces, were all despised; and we were saved the disgrace of their formal reception, only because the Congress scorned to receive them; whilst the State-house of independent Philadelphia opened her doors to the public entry of the ambassador from France. From war and blood, we went to submission; and from submission plunged back again to war and blood; to desolate and be desolated, without measure, hope, or end. I am a Royalist, I blushed for this degradation of the Crown. I am a Whig, I blushed for the dishonour of Parliament. I am a true Englishman, I felt to the quick for the disgrace of England. I am a Man, I felt for the melancholy reverse of human affairs, in the fall of the first power in the world.^{vi}

This appeal from the pride of a conquering nation to the honor and dignity of its own ideals is at the root of Burke's confidence that he has earned the votes of the Bristol electors. He defends his conduct

not so much by argument as by explicit self-definition; and more than most politicians, he is willing to rest his case on a negative: he is to be admired for the things he has opposed. He would have spared England the disgrace of the war; and he feels the loss more than others do. He goes on to assert that his feelings come from a statesman's ability to take long views. Many should be capable of doing this, but so few actually do that his declarations may appear to disdain the will of the people. And he was indeed obliged to ignore their opinions:

To read what was approaching in Ireland, in the black and bloody characters of the American war, was a painful, but it was a necessary part of my public duty. For, Gentlemen, it is not your fond desires or mine that can alter the nature of things; by contending against which what we have got, or shall ever get, but defeat and shame? I did not obey your instructions. No. I conformed to the instructions of truth and nature, and maintained your interest, against your opinions, with a constancy that became me.^{vii}

Truth and nature acquire their practical meaning by their service to the permanent interests of mankind. Thus what Burke calls the instructions of truth and nature may stand in contrast with the mandates of the electors of Bristol: his earlier contempt for mandates is now if anything intensified. Burke, in short, believes he has maintained the people's actual interests against their avowed opinions with a prudence that does not descend to flattery. "A representative worthy of you," he adds, "ought to be a person of stability. I am to look, indeed, to your opinions; but to such opinions as you and I must have five years hence." Without the rough precision of five years, and the deference at least to common estimates of character, the doctrine of this passage would verge on mystification. Yet he is speaking one of

the great truths of politics; and a truth that (by its nature) politicians are destined seldom to speak. The whole tenor of Burke's justification may baffle a reader who associates the political vocation with adaptability and compromise. Burke, normally, does speak for those virtues--in the Conciliation with America above all--but he now denies that they can be the highest of public virtues. One is led again to recall Milton's Abdiel speaking his inspired truth, at some personal risk, against the wishes and the will of the crowd of rebel angels in book 5 of Paradise Lost. In the list that follows, of the reasons for the disesteem into which he may have fallen, Burke omits one possible cause, and it is one that does yet more honor to his principle, though his motive in omitting it is likely to have been politic. That he was lately the author of a Sketch of a Negro Code, which laid down a plan for gradual emancipation, could only have sunk a candidacy that already had to contend against the anti-Catholic and anti-Irish prejudices which by particular policies and laws Burke had steadily resisted. The Negro Code was not yet policy or law; but the views of Burke on this subject had never been a secret.

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The support he had given to Lord Beauchamp's bill for reforming debtors prisons may seem in retrospect the smallest of the charges against made by resentful electors. Yet from his Tract on the Popery Law onward, nothing had been so clearly central to his idea of liberty as the conviction affirmed by this bill, that all men are equal under the law. It followed that the law should not be a torment to one who does wrong from terror or incapacity. And the bill gave necessary relief to the oppressions to which all debtors were liable; yet in defending its justice, Burke does not place himself above the claim of expedience. Though favoring the bill, he had also faithfully submitted

the Bristol petition against it and asked that the relevant objections be met, "on account of the character and consequence of those who signed it." He admits (with chagrin) that he himself was thus partly responsible for the defeat of the measure; the small delay he requested was drawn out by the illness of the Speaker, and then the frantic tumult about Popery, "which drove that and every rational business from the House." To no person can the blame be assigned for the losses to justice from the Gordon Riots; yet Burke does blame his excessive attention to the Bristol petitioners for a smaller injustice: "I am so far from taking credit for the defeat of that measure, that I cannot sufficiently lament my misfortune, if but one man, who ought to be at large, has passed a year in prison by my means. I am a debtor to the debtors." The worst thing about the bill anyway was that it did not go far enough. In the law as it stood, every man was presumed solvent; with the consequence that every man was supposed to have the ability to pay: to the extent that he failed, he was presumably engaged in fraud; and in this way a civil is turned into a criminal judgment against the debtor. To sharpen the humiliation, the punishment is not even referred to a judge but rather to "the arbitrary discretion of a private, nay interested, and irritated, individual." By the present law the accuser is empowered to act at once as a party and as judge.

The worst insolence of office, Burke had always felt, comes from those who have not been prevented from acting as the judge of their own cause. And the law in question revealed its kinship with revenge by the stratagem of classifying debt as both a crime and a private offense. "If," asks Burke, "the insolvency be no crime, why is it punished with imprisonment? If it be a crime, why is it delivered into private hands to pardon without discretion, or to punish without mercy and without measure?" There is a school of commentators who look on Burke as an

orthodox moralist of the social order, the rightly chosen precursor of the fanatical Joseph de Maistre. But de Maistre's image of society has at its centre the figure of the executioner, whose work that theorist invests with the aura of a sacred office. Burke had always in view the general good of society, and he saw this as consistent with the reduction of cruelty and the removal of useless penalties. He did not regard either retribution or the prevention and punishment of crime as the chief aim of justice; all his writings suggest he would have recoiled at the fantasy of imprinting on the body of the criminal the sign of exemplary vengeance and expiation. A punishment, to be justified to Burke, must look to the improvement of liberty and the civilizing of justice. In this respect he is closer to the legal reformers Bentham and Beccaria than to de Maistre and his successors.

It is natural for creditors to press to maintain their advantage over the unlucky whom they hold in thrall. Burke, however, saw in this calculating selfishness an evil as distinct as the unloosed passions of the rioters. Indeed, when he turns to the Gordon Riots, his first tactic is to broaden the image of human evil it presents. He does this by connecting the disabilities of the Protestant dissenters of Bristol with the assault on the Catholics targeted in London two months earlier. (He refers to the latter as "our Catholic dissenters.") Happy to find the anti-Catholic prejudice in Bristol less virulent than he had feared

--"not above four or five in the city," he reports, "have signed that symbol of delusion and bond of sedition, that libel on the national religion and English character, the Protestant association"--Burke hopes to draw together Catholics and enlightened Protestants in a rededication to the spirit of tolerance. He would tear the mask of honor from those whose use of the words protestant and liberty has

"imparted a sort of sinister dignity to proceedings that had their origin in only the meanest and blindest malice." Having reached this point, a more commonplace speaker would have passed on to a history of the riots. Burke, being Burke, proceeds with a short history of the Reformation.

The extraordinary passage that follows may be taken to qualify everything else Burke says elsewhere about the psychology of Protestant belief--from the analysis of "the dissidence of Dissent" in the Speech on Conciliation to his later comment that all Protestantism tends toward unbelief so that the natural terminus of Protestantism is atheism. Here, Burke frankly avows the connections between Protestant belief, the idea of natural rights, and the use of conscience to limit the abuse of power by institutions. He looks on these developments as steps of a progress whose moral tendency he approves; but he attaches a clear admonition on the violence that comes with revolutionary change:

We buy our blessings at a price. The Reformation, one of the greatest periods of human improvement, was a time of trouble and confusion. The vast structure of superstition and tyranny, which had been for ages in rearing, and which was combined with the interest of the great and of the many; which was moulded into the laws, the manners, and civil institutions of nations, and blended with the fame and policy of states; could not be brought to the ground without a fearful struggle; nor could it fall without a violent concussion of itself and all about it. When this great revolution was attempted in a more regular mode by government, it was opposed by plots and seditions of the people; when by popular efforts, it was repressed as rebellion by the hand of power; and bloody executions (often bloodily returned) marked the whole of its progress through all its stages. The Protestant religion in

that violent struggle, infected, as the Popish had been before, by worldly interests and worldly passions, became a persecutor in its turn, sometimes of the new sects, which carried their own principles further than it was convenient to the original reformers; and always of the body from whom they parted; and this persecuting spirit arose, not only, from the bitterness of retaliation, but from the merciless policy of fear.

It was long before the spirit of true piety and true wisdom, involved in the principles of the Reformation, could be depurated from the dregs and feculence of the contention with which it was carried through. However, until this was done, the Reformation is not complete; and those who think themselves good Protestants, from their animosity to others, are in that respect no Protestants at all.^{viii}

Most notable in this passage is the flat acknowledgement that the Reformation was a blessing. Yet Burke declines to interpret the change simply as a defeat of superstition and an advance toward acceptance of the principle of liberty of conscience. If the Protestant reformation did in fact reform, the habits of men and women were still implicated in their ancient faith. Involved with the honest zeal for throwing off dogma and compulsion were all the mixed passions of the reformers--moral courage, earnest love of truth and a sublime self-respect, but also self-will fed by resentment, and the usual craving for worldly power. The great and the many felt an inward sympathy with the Roman Catholic church; and this alone assured that its overthrow could not be accomplished without violence. It is inevitable in a contest for control of the customs of worship that faith itself will be corrupted by "worldly interests and worldly passions." The great evil of which religion can never rid itself (so long as it combines with worldly

power) is "the merciless policy of fear": fear, in this case, of political authority, which heats the passion for war and swells the ranks of the warriors by the promise of a heavenly reward. The work of the Reformation, Burke concludes, was bound to be carried out, for the human love of liberty and hatred of imposition would not be satisfied otherwise. Yet its work will not be complete until religious instincts are appeased without war and without the formulae of mass purification.

Lord Savile's bill sought to press English law toward unfettered religious tolerance by the repeal of a 1699 statute which punished with perpetual imprisonment the saying of mass and the giving of instruction in Catholic schools. Under the old law, a Catholic reluctant to take the coercive oath was obliged to forfeit his paternal inheritance to the nearest Protestant relation--unless, as Burke puts it, he changed his mind and "redeemed by his hypocrisy, what the law had transferred to the kinsman as the recompense of his profligacy." Thus disinherited, a Catholic was forbidden to acquire other property "by any industry, donation, or charity; but was rendered a foreigner in his native land, only because he retained the religion, along with the property, handed down to him." Repeal of these disabilities was the only reform that could have answered the gravity of the harm. Once more, as with Lord Beauchamp's bill on debtors' prisons, Burke in the speech pays homage to the courage of the legislator, and regrets that he himself did no more than assure the success of the law. "To have been the man chosen out to redeem our fellow-citizens from slavery; to purify our laws from absurdity and injustice; and to cleanse our religion from the blot and stain of persecution, would be an honour and happiness to which my wishes would undoubtedly aspire; but to which nothing but my wishes could possibly have entitled me. That great work was in hands in every respect far better qualified than mine." Even so, the secondary help

that Burke on this occasion gave to the Catholic cause, was the main source of the grievances against him.

These complaints he again defies in his encomium on Savile. The courage of Savile on the present occasion reminds Burke of the same lawmaker's stand against the king on the Nullum Tempus Act; for Savile believed with evident consistency that encroachment on property--whether by a monarch or a Protestant majority--was a trespass against liberty. That Savile had no particular liking for Catholics or connection to any body of them ("I know," says Burke, "that he inclines to a sort of disgust, mixed with a considerable degree of asperity") renders his action the more admirable to Burke by virtue of its disinterestedness. Indeed, Lord Savile moved the act for repeal of disabilities out of "extreme zeal to the Protestant religion" and chagrin at its abuse and perversion by the act of 1699." A stroke of emancipation like Savile's bill, however, cannot be executed without some regard to its timing. An appropriate season arrived with the breakup of the empire in 1778-80, as America was torn from its parent stock and threatened to be "engrafted on the power of France" and, at the same time, "a great terror fell upon this kingdom" from the fear of a French invasion. Just when that cloud "gloomed over us all" an address was made to the throne, expressing loyalty, by the body of the Catholics of England. Something beyond a common token of gratitude seemed to be called for, if only to prove the "natural government" was worthy of that name to Catholics; at this crisis, "to delay protection would be to reject allegiance." And Savile's bill answered that need. Though nothing of value should be attributed to the American war, if it produced, by indirection, this unity and an end to the "civil distinctions" between Protestant and Catholics, how could Burke not welcome the result?

There are people who can come to an understanding with themselves over small or hidden oppressions that assure a degree of stability. If our children are securer from the menace of riot because certain laws against Catholics are allowed to stay on the books, why should we trade our sense of safety for the mere fulfillment of a principle? Burke's reply is that the sacrifice is always greater than we realize. "Bad laws are the worst sort of tyranny. In such a country as this, they are of all bad things the worst, worse by far than any where else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions." For the reputation of the fairness of the laws generally, may screen a bad law from contempt, even as, by its inclusion in the system, the bad law is allowed to corrupt the whole. Its passage accommodates us to the selfish delusion that liberty can escape unharmed when an injustice is legally done to a proscribed group. Burke deplores the way such a law exposes the innocent and gives tacit encouragement to the vicious. A new species of parasites came to be approved by society, with the anti-Catholic laws, the bribed assistants of repression through servility and deceit. "A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves, not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend." This sounds like an observation from experience; yet Burke is right not to reduce it to an anecdote. The enterprise of the informers becomes so common as to pass unnoticed--that that is his point--once the society has lowered its morale to permit such exclusions at all.

How many were in fact excluded? Burke estimates that the English Catholics are fewer than 50,000, while the Irish are at least

1,600,000: figures that by themselves suggest a utilitarian reason for toleration. Holland and parts of Germany have liberalized; and in France, the respect shown to Necker, the Protestant minister of finance, reveals a similar progress. In view of Burke's later hostility to the very idea of cosmopolitan enlightenment, it is remarkable that he here invokes the standard of international opinion: "no law of this country ever met with such universal applause abroad, or was so likely to produce the perfection of that tolerating spirit, which, as I observed, has been gaining ground in Europe; for abroad, it was universally thought that we had done, what I am sorry to say, we had not; they thought we had granted a full toleration." Appearance may matter more than reality if it shows the face by which we would be judged. Eventually, to acquit ourselves in our own eyes, we shall have to live up to our assumed character, and make practice conform to theory. Even as things stand, one large effect of Savile's law will be to promote toleration for the Protestants of Europe. Our generosity ought sometimes to exceed the necessity of the occasion; too often, Burke notes, "the works of malice and injustice" are executed "in a bold masterly hand," whereas in passing a measure that removes an injustice "we are generally cold, and languid, and sluggish." He would employ "the spirit of those vehement passions that call forth all our energies whenever we oppress and persecute"; but he would have us transfer those passions steadily to the side of emancipation. This was perhaps the deepest meaning of "enlightenment" for Burke.

The progress of reform was halted in England by the eruption of the Gordon Riots--"a desperate attempt," as Burke calls it, to reverse the work of genuine liberty by its counterfeit; an attempt that, had it succeeded, "would have consumed all the glory and power of this country in the flames of London; and buried all law, order, and religion, under

the ruins of the metropolis of the Protestant world"; for whatever the aims of the instigators, "this would have been the unavoidable consequence of their proceedings, had not the flames they had lighted up in their fury been extinguished in their blood."^{ix} But here, as at other scenes of political action, Burke takes nothing at face value. The motive of the petition was to exact the oath of allegiance from Catholics but deny them the benefits of the oath: it was to go back on an agreement already entered into, and assure that the promise once made should not be kept. He speaks of his own actions at that time with a dignity which the record supports:

I called forth every faculty that I possessed, and I directed it in every way which I could possibly employ it. I laboured night and day. I laboured in Parliament: I laboured out of Parliament. If therefore the resolution of the House of Commons, refusing to commit this act of unmatched turpitude, be a crime, I am guilty among the foremost.^x

Where constitutional principle and substantial justice are in question, Burke is at once conservative and radical: conservative in his resolve to maintain a good achieved with the labor of ages; radical in his commitment to a standard of justice that does not change with time and place. At such a crisis, an uncompromising stance (free of incendiary words) is proper to a statesman; but the people ought to be encouraged in their acceptance of an imperfect system, for the sake of tolerance as well as self-preservation; and Burke now praises the Catholics of London for their restraint and forbearance. Any vehemence they showed against the fury of the crowd would have produced more violent conflagrations. In closing, Burke joins his own sentiments to those of the oppressed minority. Though he defied the mob, he practiced restraint, and wished, as a member of parliament, only to have his

share "of doing good, and resisting evil." He believed his wish fulfilled when he had given "quiet to private property, and private conscience." So he stands before the Bristol electors (as he reminds them now) accused of no venality or pettiness or neglect of public duties, but rather arraigned for having carried benevolence too far. That accusation, he says (with an irony at once direct and understated) he will carry through life "in pain, in sorrow, in depression"; and whenever he recalls it, he will be comforted.

Such is the formal conclusion of Burke's 1780 speech at Bristol; but its climax has come a little earlier. Thinking back on the madness of the tumultuous days of June, and on the personal constitution that must have decided in advance the resistance he would offer against the crowd, Burke speaks of the wrong of encouraging the unchecked exertions of the will of the people:

I have no idea of liberty unconnected with honesty and justice. Nor do I believe, that any good constitutions of government or of freedom, can find it necessary for their security to doom any part of the people to a permanent slavery. Such a constitution of freedom, if such can be, is in effect no more than another name for the tyranny of the strongest faction; and factions in republics have been, and are, full as capable of monarchs, of the most cruel oppression and injustice. It is but too true, that the love, and even the very idea, of genuine liberty, is extremely rare. It is but too true, that there are many, whose whole scheme of freedom, is made up of pride, perverseness, and insolence. They feel themselves in a state of thralldom, they imagine that their souls are cooped and cabined in, unless they have some man, or some body of men, dependent on their mercy. The desire of having some one below them, descends to those who are the very

lowest of all,--and a Protestant cobbler, debased by his poverty, but exalted by his share of the ruling church, feels pride in knowing, it is by his generosity alone, that the peer, whose footman's step he measures, is able to keep his chaplain from jail. This disposition is the true source of the passion, which many men in very humble life, have taken to the American war. Our subjects in America; our colonies; our dependants. This lust of party-power, is the liberty they hunger and thirst for; and this Syren song of ambition, has charmed ears, that one would have thought were never organized to that sort of music.^{xi}

Thus the very idea of a constitution is linked to the self-restraint that fits a people for liberty. Unlimited power, by contrast, belongs to men of ungovernable insolence whose pride feeds their self-will, and whose "party" views barely disguise their wish to have someone to stand above.

To the characters of men correspond the various systems of laws. The ambitious make laws against persons they want to oppress; a bill of attainder is their natural instrument. And from the susceptibility of all classes to the lust of power comes the vulnerability of English liberty. The dreams of glory and empire, in the American war, have drugged the minds of the people from high to low and made them ask if they could fabricate a new privilege and lord it over a class of persons reliably far beneath themselves. Of course this desire is latent in all people at all times--"the Syren song of ambition" has charmed many who would appear not to be "organized to that sort of music"--but the work of constitutional government is to suppress this appetite so softly that pangs are never felt. Parliament may do its work indifferently or well, but the one evil it is bound never to assist is the conscious support of injustice.

Burke takes his stand on a pledge to repair the communion of the British constitution of liberty, which he had evoked so memorably in the Speech on Conciliation five years earlier:

The diversified but connected fabric of universal justice, is well cramped and bolted together in all its parts, and depend upon it, I never have employed, and I never shall employ, any engine of power which may come into my hands to wrench it asunder. All shall stand, if I can help it, and all shall stand connected. After all, to complete this work, much remains to be done; much in the East, much in the West.^{xii}

It is sometimes said that Burke's belief in "universal justice" was a discovery of convenience to assist his prosecution of Warren Hastings. This passage suggests a different truth. Though aware of the East India Company as a secondary cause of the American war--and perhaps already more largely aware: much remains to be done "in the East"--Burke's words here antedate his interest in India by a full two years. His defense of universal justice against lawless conduct, whether of governments or peoples, is direct in its impact, sweeping and unmistakable.

His largest stress falls on his relation to the other elements of the constitution, a relation that alone makes such a statement possible. It would not be a possible statement for a servant of the king, or for a tribune of the people. But Burke is a representative: respected by and answerable to, but not transparently reflective of the suffrage of the people; serving to refine the policies and improve the knowledge of the executive, but also sometimes acting (with the people again in view) as a barrier against monarchical power. The accuracy of Richard Pares's description of Burke as a "high and dry anti-monarchist" comes back in this setting; but here any hint of mockery

must fall away. That is just what a member of parliament ought to be, in the year of the riots; and perhaps--with the necessary translation--at any later time as well.

Toleration is neither natural nor unnatural to human beings, but the duty of an elected leader is to turn the people away from bigotry in every setting. Now, against those who say the numbers of the rioters make an argument for attending to their opinions (an argument which assumes it is never right for a politician to shock the feelings of large numbers of people), Burke affirms the rightness of resistance to political violence no matter what its source. The changing opinions of the people must not be confused with the standard of right and wrong; defense of the weak was at the heart of Savile's bill, too; and the timorous voices on the other side cannot induce Burke to regret his vote:

I confess, my notions are widely different, and I never was less sorry for any action of my life. I like the bill the better, on account of the events of all kinds that followed it. It relieved the real sufferers; it strengthened the state; and, by the disorders that ensued, we had clear evidence, that there lurked a temper somewhere, which ought not to be fostered by the laws. . . . We knew before-hand, or we were poorly instructed, that toleration is odious to the intolerant; freedom to oppressors; property to robbers; and all kinds and degrees of prosperity to the envious. . . . When we know, that the opinions of men of even the greatest multitudes, are the standard of rectitude, I shall think myself obliged to make those opinions the masters of my conscience. But if it may be doubted whether Omnipotence itself is competent to alter the essential constitution of right and wrong, sure I am, that such things, as they and I, are possessed

of no such power. No man carries further than I do the policy of making government pleasing to the people. But the widest range of this politic complaisance is confined within the limits of justice. I would not only consult the interest of the people, but I would cheerfully gratify their humours. We are all a sort of children, that must be soothed and managed. I think I am not austere or formal in my nature. I would bear, I would even myself play my part in, any innocent buffooneries, to divert them. But I never will act the tyrant for their amusement. If they will mix malice in their sports, I shall never consent to throw them any living, sentient, creature whatsoever, no, not so much as a kitling, to torment.^{xiii}

Justice, here, is definitively placed above the reach of the humors of a mob. But when Burke calls them things a particular memory of Shakespeare accounts for the emphasis:

You blocks, you stones, you worse than senseless things!

O you hard hearts, you cruel men of Rome.

The words come near the start of Julius Caesar, spoken by an aristocrat to commoners, at the sudden turn of their affections from Pompey to Caesar. For Burke to cast himself as one of the fickle and trustless, potentially one of such things as they, reminds us that the justice of the statesman, like the virtue of the gentleman, is to be measured only by the force of visible acts.

What can easily escape notice, in this magnificent passage, is a radical moral claim that Burke secretes in a subordinate clause: "if it may be doubted whether Omnipotence itself is competent to alter the essential constitution of right and wrong." Suppose, as the sentence suggests, that God himself cannot alter the constitution of right and wrong; what then? Burke is saying that we are given a conscience to

judge of right and wrong as best we can; the highest part of ourselves is the final reckoner of our choices. No majority, no sovereignty, no institution from "time immemorial" can ever outweigh the verdict of conscience. Even supposing that our conscience, which reveals all we know of "the constitution of right and wrong," were somehow made to decide in contradiction to God's will--still we cannot part from our moral judgments without ceasing to be what we are.

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- ⁱ Writings and Speeches, vol. 3, p. 626.
ⁱⁱ Writings and Speeches, vol. 3, p. 627.
ⁱⁱⁱ Writings and Speeches, vol. 3, pp. 628-29.
^{iv} Writings and Speeches, vol. 3, p. 631.
^v Writings and Speeches, vol. 3, p. 632.
^{vi} Writings and Speeches, vol. 3, p. 633.
^{vii} Writings and Speeches, vol. 3, pp. 633-634.
^{viii} Writings and Speeches, vol. 3, pp. 639-640.
^{ix} Writings and Speeches, vol. 3, p. 654.
^x Writings and Speeches, vol. 3, p. 656.
^{xi} Writings and Speeches, vol. 3, pp. 658-59.
^{xii} Writings and Speeches, vol. 3, p. 660.
^{xiii} Writings and Speeches, vol. 3, pp. 661-62.