Contending for Liberty:

*Principle and Party in Montesquieu, Hume, and Burke*
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Abstract

This thesis explores the political reformation of “faction” in the political thought of Montesquieu, David Hume, and Edmund Burke, three thinkers whose works span what Pierre Manent calls “an exquisite moment of liberalism.” It examines the transformation of faction from one based largely on class to one based largely on political function and argues that as the political emphasis of “party” overtook that of class, a disconnect in constitutional theory appeared between the principles formerly associated with class, such as honor, and the principles now associated with parties. This disconnect is examined by focusing on the interrelated concepts of political principle, or that which motivates and regulates men, and faction, itself divided into two types, principled and singular.

This thesis further considers the role of political principle to faction in each thinker’s thought in order to demonstrate how limited domestic political conflict could sustain itself via a party system. Each thinker recognized that limited political conflict did not weaken the state but rather strengthened it, if engendered by “principled faction” cognizant of a nominal sovereign. Accordingly, it is argued that a similar understanding of “principled faction,” though focused largely on aristocratic ideas of prejudice, self-interest, and inequality, better promoted political liberty within the state and contributed to a greater acceptance of party in political thought.
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§ Getting the Party Started

Party is an imperfect expedient, accepted only because superior to arrangements which are even less perfect.\(^1\)

The eighteenth century was rather schizophrenic about party. When liberty seemed secured by its continued presence, a presence owing more to circumstance than organized intention, government learned to tolerate it. This was something unique; for though party had always existed in practice, it had not always been tolerated. Yet, toleration was not a full-blown promotion of party, nor really an acceptance of it. Party continued to lack a theoretical foundation upon which its continued presence could be justified. As it was tolerated, however, eighteenth-century thinkers would come to formulate ways in which it could be made respectable, and respectable is at least one step above tolerated.

The fact that parties are respected to some extent today is truly a remarkable thing. Put into its proper perspective, as Harvey Mansfield remarks in *Statesmanship and Party Government*, it is the respectability, not the existence, of party government that is surprising today.\(^2\) The idea of party is not a complicated philosophical one; this is perhaps one reason why it does not have an intellectual tradition like other concepts such as liberty or justice, or even more politically specific concepts such as

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representation or the separation of powers. Due to the simple fact that party derives from political experience, practice has always preceded the philosophy of it. Party does not need philosophical justification for it to exist – indeed, the absence of party can only exist theoretically – in order to make party respectable, however, its does.

Parties were not generally accepted on their own terms in early eighteenth-century English politics. They had to assert that their presence was necessary in order to maintain the constitution. Nancy Rosenblum states in her most recent work, *On the Side of the Angels*, that, “before parties were accepted, only the claim to be a great party – a party of high principle or constitutional necessity – could justify divisiveness, and then only as a prelude to putting an end to partisanship.” Such constitutional necessities paved the way for the development of party. B.W. Hill has noted:

> Few politicians in 1689 could have anticipated that their actions would result eventually in the domination of Parliament by the party system; yet already in their time the burning questions which centered upon religion, the succession to the throne, and the position in society of an increasingly important monied community, all made for a cleavage as wide as any known the nineteenth and twentieth centuries.

Parties would come to be accepted on their own terms by the end of the eighteenth century, and while it is tempting to ask how this came to be there is, unfortunately, no simple answer. J.A.W. Gunn’s seminal work, *Factions No More* goes a long way towards answering this question, but even that study remains focused on, and thus limited to, the journal and pamphlet wars of the day. B.W. Hill’s two-part study on parliamentary parties from 1689 to 1832 is perhaps the most complete study on party, though it cannot tell the reader much in the way of the political thought that arose from the experience of party. Both remain aspects of a more complete answer.

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A shift in political thinking upon party, however, cannot be denied. Though the process by which it came about can be debated, the end result is clear: party, and hence party politics, became an accepted, and in many ways respectable, attribute of representative government. The problem remains that party and principle have not been thoroughly examined together as an alternative to the acceptance of party. Examining party alone without the fundamental and binding force that keeps party together and within political bounds is only offering part of a solution. Taking this as a given, and recognizing it can only attempt to be one aspect of a larger answer, this thesis will seek to answer the question: how did Montesquieu, David Hume, and Edmund Burke contribute to the acceptance of party in political thought?

Montesquieu, Hume, and Burke all had unique solutions to slow the inevitable political decline of a state that one finds prevalent in classical political thought. What makes them compatible for this thesis are the similar solutions they presented that involved a shared understanding of political principle and faction, inclusive of self-interest. In looking at the development of the idea of self-interest as it relates to party and party members, encompassing both motivation and regulation, this thesis will show that a new understanding of self-interest, previously politically allied with that of class, emerged among political parties.

Despite the fact that none of the three thinkers were English, they were all greatly influenced by the development of eighteenth-century English politics, especially that of party. Each thinker would come to interpret this development in their own way, in the process flagging larger issues that make their thought much more diverse than one can find, for instance, in the pamphlet wars of the day. All

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told, their thought would help support the events of eighteenth-century English, American, and French politics that have informed our modern understanding of party.

Though each helped make party respectable, the point should not be oversold. They could not have fully pronounced a “dialectic of party conflict as progressive” as it is understood today, though this thesis will argue that they contributed to it.\(^6\) That parties check and moderate one another for the public benefit is roughly the extent to which their thought can be stretched. Though their thought anticipates parties that complement and correct one another, it falls short of a coherent political theory detailing how they would do so. Caroline Robbins goes so far as to claim that, “the simplest division might be between those in and those out of office, though no one discussed the virtue or the reverse of a two-party system. There were many more than two and they were not systematic.”\(^7\) This does not mean, however, that their thought is not relevant to us today, as Robbins seems to imply, but quite the opposite. “The early [post-Revolution] party alignment differed from the twentieth century party system in many ways,” B.W. Hill writes, “yet to deny that there was any kind of system at all, on the grounds that later developments were not present, would be no more useful than to deny that cricket matches were played in the early eighteenth century because the bats looked like clubs and defended wickets consisting of only two stumps.”\(^8\) If eighteenth-century party, “tended to lack an identifiable leadership and a recognised corpus of policy and principle around which to cohere,” it was still not too different from modern party, Jeremy Black remarks, which though different in size and scope, is neither monolithic in organization nor in policy.\(^9\) Despite vast

\(^6\) Cf. Rosenblum, 139.
differences between their time and ours, Gunn notes, “an enquiry into eighteenth-century attitudes towards parties can still cast light on the difficult business of sustaining limited social conflict.” A part of the “how so?” to this claim – the “virtue” of the party system that Robbins claims was missing – can be found in the political thought of Montesquieu, Hume, and Burke.

Today, such an endeavor speaks to statesmen and citizens alike for, unlike three centuries earlier, party (though not to say party politics) would not exist today without the citizen. Reexamining eighteenth-century political thought on party and principle speaks to larger issues raised by scholars of political thought, such as antipartyism, representative democracy, sovereignty, traditions of political principle, and constitutionalism. These issues continue to speak to us today in a time when parties are still not completely respected, or respectable. It is indeed ironic that party government is pervasive, yet party continues to have a bad name in the twenty-first century, just as it did three hundred years ago. Certainly, to be cynical about party was, and remains, easier than being constructive of it. “Lamenting the defects of party, emphasizing their inevitability, and cautioning that their activities must be rendered as moderate as possible,” Gunn writes, “need not involve anything more than a cynicism about politicians and parties which is probably as characteristic of our own day as it was of the eighteenth century.” Terms such as “partisan,” “party man,” “political,” or “politician” still carry with them connotations that are typically demeaning. Party “principle” is castigated as nothing more than party discipline, not

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10 Gunn, xi.
12 Gunn, 27.
a set of intrinsic values shared by party members. So, why are parties so disliked? Simply put, parties are divisive. Parties are accused of breaking apart the “whole” of the body politic that would exist were it not for their presence. Their divisiveness is, so the argument goes, fatal to the state. But is it as simple as this?

By highlighting a duality that existed in political thought upon faction, “principled” and “singular,” this thesis demonstrates that all three thinkers maintained a dual understanding of faction, at times praiseworthy and at times highly critical. As they did so, the question must be asked, what (for them) differentiated the two? By concentrating on political principle as a fundamental aspect of party, rather than on party alone, each thinker, this thesis argues, helped to fend off anti-party sentiment in the eighteenth century and make party more respectable, elevating the debate and making it more significant to constitutional government. As the former loses steam to anti-party arguments as well as antipathy towards party today, the importance of party to constitutional government is increasingly forgotten. A brief look back might help remind us of the danger of forgetting.

From here the introduction proceeds in four parts. First, the method used in this thesis to examine the thought of each thinker concerning party and principle will be laid out. Following that, the terms that ground this thesis, principle and faction, will be examined. It will then expose the relationship that both have with the constitution in more theoretical terms before reviewing how both were understood in the context of eighteenth-century politics, including the debates on corruption and luxury. The third part will put the thinkers back in the context of the debates on faction and principle that brought them together, both in theory and in practice. The former (party in theory) will take a brief look at the history of mixed regime and

13 On the state of contemporary political theory and the idea of party see Rosenblum, chs. 4 and 6.
separation of power theories while the latter (party in practice) will look at the 
historical acceptance of party in English politics. The final part will take a look at 
two particular influences upon the debates concerning faction and principle, namely 
Bolingbroke and Mandeville, in order to better situate the thinkers of this thesis and 
highlight a concept that will be examined in greater detail in the conclusion.

**Method**

According to Quentin Skinner the, “only history to be written is thus a history 
of the various statements made with the given expression.”14 To understand each 
expression one must interpret and separate each context. On this Leo Strauss writes, 
“an adequate interpretation is such an interpretation as understands the thought of a 
philosopher exactly as he understood it himself.”15 R.G. Collingwood, however, is 
perhaps the most straightforward on this topic. He writes, “to know someone else’s 
activity of thinking is possible only on the assumption that this same activity can be 
re-enacted in one’s own mind. In that sense, to know ‘what someone was thinking’ 
(or, ‘has thought’) involves thinking it for oneself.”16 An impossible task, but a noble 
endeavor, this thesis attempts that last step: a myriad of thought processes from each 
thinker, attempting to know “what someone was thinking.”

Historical thought, according to Collingwood, “‘is a river into which none can 
step twice’; historians, even in their own lifetime, find the questions keep changing 
and so, therefore, do the answers they give.”17 He insisted that this relativism was not 
skeptical, however, it merely added another branch of history to the typology: namely

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14 Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory*, Vol. 8, 
1994), 288.
the history of history itself. All the same, the historian’s conception of history had to have historical truth, not just aesthetic appeal. Historical interpretation had to be localized in space and time and consistent with history in general, not just with itself. In effect, the historian’s interpretation of history has to be true to all the evidence available at the time. Such an interpretation this thesis aims to be.

Strauss maintained that we are today the heirs of a tradition which has transformed elementary ideas, ideas which were nothing more than pure primary impressions, into “mere implications and tacit presuppositions” from what they once were. From Strauss’s perspective political philosophy, “does not exist anymore, except as a matter for burial, i.e., for historical research, or else as a theme of weak and unconvincing protestations.” In effect, Strauss seeks to resurrect what has been buried. And, in order to do this, philosophy needs history. Hence, the purpose of the history of political ideas for Strauss is to reclaim the prominence of political ideas and to actualize their implications.

Similar to Collingwood’s “scissor-and-paste” historian, the historicists that were Strauss’s target limit their interpretation of political history to historical responses or reactions of the “first-level,” by limiting their object of analysis to evident historical situations and not accepting a dynamic character who is, or could be, responding to a number of different events or situations, or even adapting prior thought to present conditions. For example, Strauss points out that past thinkers thought in terms of universal ideas, but that in application they could have been aware of the dynamic shift necessary for “universal” ideas to be applied to their current time. Historicism does not allow for this and misinterprets political thinkers: “by proving

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18 Strauss, “Political Philosophy and History,” 47.
20 “This means that the clarification of our political ideas insensibly changes into and becomes indistinguishable from the history of political ideas.” Strauss, “Political Philosophy and History,” 47.
that their political teaching as a whole is ‘historically conditioned,’ we do not at all prove that their political philosophy proper is ‘historically conditioned.’”21 The relativism inherent in the “history of history” was meaningless since it denied the existence of a tradition of political thought. This is where historicism defeated philosophy, Strauss claims. He distinguishes between philosophic thought, which is universal, and historical thought, which is individual. The two ask fundamentally different questions.22

Strauss wanted to learn from the thinkers of the past, however, and not strictly about them, as historicism seeks to do.23 This thesis will likewise seek to learn from the thinkers of the past, and not simply about them, in order to better understand the ideas of principle and faction as we have inherited them today. Strauss believed that the plethora of possible interpretations in “understanding the thinker of the past exactly as he understood himself” leaves the historicist method to fall flat on its face: one cannot understand the author better than he understood himself, a caution which this thesis takes seriously. Interestingly however, Strauss does not suggest how to remedy this. He vaguely suggests that, “there is only one way of understanding [the author] as he understood himself.”24 Yet, Strauss, retaining the mystery of his method, does not elaborate as to what this one way of understanding the author might

21 Ibid., 37.
22 Ibid., 30.
23 Ibid., 42.
24 Ibid., 41. “Strauss contended that all great philosophers have dispensed both ‘esoteric’ (secret) and ‘exoteric’ (ostensible) doctrines, communicating the ‘truth’ to the wise few ‘between the lines’ of their books, and teaching ‘noble lies’ to the many through their actually printed words.” The authors, of course, did this in order to save themselves from persecution. This makes Strauss himself extremely hard to interpret since one remains perplexed as to his actual intention. On Strauss see, James M. Rhodes, “Philosophy, Revelation, and Political Theory: Leo Strauss and Eric Vogelin,” The Journal of Politics 49 (Nov. 1987): 1037; and, for a more cogent account see John G. Gunnell, “The Myth of the Tradition,” The American Political Science Review, Vol. 22, No. 1 (Mar., 1978), 122-134.
be. As a result, Strauss can only take one so far, unless one were to buy into his system of thought entirely.\textsuperscript{25}

This thesis does not seek to resurrect universal ideals, as Strauss would have us do, but comes closer to Collingwood’s understanding of the purpose of historical study, a less intentional endeavor for Collingwood than for Strauss. Collingwood believed that the historian has a purpose in studying history, though its purpose is nothing like the resurrection of classical political philosophy. Rather, Collingwood sought to establish a philosophy for the discipline of history that borrows from the principles of scientific method but that is nonetheless distinct from it. He focused within the discipline of philosophy, attempting to demonstrate that, “traditional philosophies [can] carry with them the implication that historical knowledge is possible,” and that, “whereas the right way of investigating nature is by methods called scientific, the right way of investigating mind is by methods of history.”\textsuperscript{26}

Collingwood’s method of historical study is a reaction to what he calls “scissors-and paste-history,” a “pasting together of passages from ‘authorities’ as opposed to the proper critical and creative use of sources.”\textsuperscript{27} This is the type of history that claims history as a body of connected and coherent facts, not a jumble of incoherent problems, which, in truth, history is. Collingwood sought to understand the thought contained in historical action, which he interpreted as the unity of the inside (thought) and the outside (actions) of an event.\textsuperscript{28} The historian is investigating the historical action, and is therefore concerned with both the inside and the outside event, however the object to be discovered in history, according to Collingwood, “is

\textsuperscript{25} On this see Anne Norton, \textit{Leo Strauss and the Politics of American Empire} (New Haven: Yale University Press, 2004).
\textsuperscript{26} Collingwood, 209.
\textsuperscript{27} Parker, 204.
\textsuperscript{28} Ibid., 213.
not the mere event, but the thought expressed in it.”  

Hence, the historian is only concerned with the events that are outward expressions of thought, and only so much as these are expressions of thoughts.  

Collingwood acknowledged that there is an absurdity in the historian completely understanding the context of an historical thinker’s thought. Though Collingwood believed that the historian should employ similar contexts to extrapolate what he can from historical thought, unlike Strauss he did not believe that there existed a universality or tradition in the history of thought.  

He observed, nonetheless, that thought can sustain its identity. Historical knowledge can only spring from that which can be experienced, or that which can be re-enacted in the historian’s mind. Therefore, an historical act must be contained in a similar context, similar enough to promote historical understanding to what a historian has already experienced. In a similar vein, Strauss believed that elements of every political situation will relate to other political situations, for, “how else,” he asks, “could one intelligibly call all these different political situations ‘political situations’”?  

Collingwood believed in the value of the classics’ thought, but was well aware of their limits, which stands in contrast to Strauss who contended that pre-historical thinkers were aware of the “essence of political things,” i.e., of universal ideas such as the best political order. They were also aware of the practicality of application of such universal ideas to their present times and conditions. As stated above, modern contextual history does not allow for this since it frames the thinker’s thought into delimited realms of possible thinking, making universal ideas no longer valid, “in

29 Ibid., 214.
30 Ibid., 217.
31 “The Republic of Plato is an account, not of the unchanging ideal of political life, but of the Greek ideal as Plato received it and re-interpreted it. The Ethics of Aristotle describes not an eternal morality but the morality of the Greek gentleman.” Collingwood, 229.
32 Collingwood, 300.
33 Strauss, “Political Philosophy and History,” 38.
short, the truism that all political action is concerned with, and therefore presupposes appropriate knowledge of, individual situations, and so on, is wholly irrelevant to the question raised by historicism,” Strauss writes.\(^3\) Political philosophy, once concerned with universal ideas, now has a derivative character of what were once simple and primary issues. By contextualizing all historical thought, modern political philosophy has removed itself from the original phenomena of political things.

This thesis attempts to balance the above positions and seeks to appropriately identify context without allowing the focus on that context to override the common ground that can be found among different historical situations. It attempts to be as objective as possible in placing the authors in their appropriate contexts, as well as in extracting from those contexts the appropriate actions and intentions. By considering each thinker in his context, the ideas are not put above the authors themselves. It also maintains that there is no history of an idea absent of those who thought upon it. In other words, the ideas of principle and faction are not “universal”; they cannot exist independently of a thinker, as an idea floating in the ether. Rather, history should be focused on the various agents who used the idea, and on the varying situations and intentions in which it is used.

The thesis does not attempt to credit writers for anticipating thought, and where it is claimed an author is “trying” to articulate an idea, it is usually in reference to an intention known from another source. Likewise, a theorist’s intention cannot be discounted in order to maintain coherence, as sometimes a contradiction actually is a contradiction. Nonetheless, one cannot assume that contradictions are deliberate (i.e., writing in code) and so this thesis does not attempt to read “between the lines.”\(^5\)

Like Skinner, this thesis maintains that it is not necessary to decode texts if something

\(^3\)Ibid., 35.
is oblique. Rather, the voluntary strategies adopted by the authors to convey their meaning with deliberate obliqueness needs to be understood. In this way it seeks to demonstrate that history has a natural ambiguity.36

Reflecting on Strauss’s point above, it can be assumed that political philosophers of different times and places will consider the same political ideas, such as citizenship, even though the end political ideals, such as the state or the polis, may take different forms due to contextual limitations. Hence, one could deduce that political thinkers compose their political ideas with similar ideals, ideals which are similar enough to be understood in historical reflection. The end ideas may be sufficiently different as not to be “universal” as such, but the constituent parts that compose such lofty (in that they seek to be universal) ideas, such as civilization, freedom, liberty, sovereignty, duty, honor, etc., can be understood by one historical thinker to the next, regardless of context. It is this limited understanding of shared ideas, limited by contextual differences but shared in the similarity of their abstraction, that maintains the continuity from one thinker to the next in this thesis.

There are many issues which simply did not pertain to the authors considered in this thesis that are relevant to us today, and so no thinker will be criticized for not considering an issue that did not pertain to him, such as race or gender equality. Though there is merit in better understanding the ideas of principle and faction as they are understood today, this thesis is principally concerned with understanding the meaning of the terms as understood by each thinker. Indeed, this is Skinner’s “mythology of prolepsis” which occurs when the historian is more interested in the retrospective significance of a given historical work or action than in its meaning for the agent himself. Neither Montesquieu, Hume, nor Burke could have anticipated the

36 Skinner, 36.
party system that exists today, and it would be preposterous to assume otherwise. This thesis cannot, however, adopt all that Skinner has to offer in terms of methodological criticism. To do so would not only be impossible and somewhat redundant, but boring. Or, as Joseph Femia puts it, it, “would reduce the history of thought to little more than a sterile celebration of intellectual pedigree.”

The methodology of this thesis does not assume that it can know the past completely, or know the past completely as it understood itself. If this were to be done, the object (the past) would be incorporated into the subject (the present) meaning that we only need to understand the present in order to understand the past. It will not assume that the present is superior to the past, a fault which limits the historian from understanding the past in itself.

The concepts of principle and faction themselves are hollow, unless understood as part of a much larger network of each thinker’s political thought, though it is not intended to be a commentary on their collected works, or even a commentary on a single work of each thinker as a whole. This thesis will be a partial account of each thinker’s thought upon the constitutional ideas of principle and faction. Having said that, this thesis cannot be an intellectual history of the ideas themselves, but will seek to examine the intersections of thought that can be found upon such ideas. One advantage of treating the ideas of principle and faction in such narrow terms, especially with thinkers whose philosophy spans such large areas of thought, is the depth of understanding that can come from examining concepts as part of a system, rather than examining a system consisting of concepts. In highlighting individual ideas more clarity will be given to the ideas themselves, if not to the

system overall. This comes, of course, at the risk of giving too much importance to insignificant details.

Understanding each idea in the full context of each thinker’s writings is a limited endeavor and comes complete with its own drawbacks, the most obvious being the irrelevance of making a minute point upon a few ideas and abstracting them from an overall system of thought. That said, it will attempt to avoid what Strauss calls, “scientific concern with political facts,” which requires isolation that could to lead to misleading or irrelevant results. It will attempt to, “see the phenomena in question within the whole to which they belong.” To further avoid this, if indeed it is possible to do so when examining overlapping concepts among thinkers, each chapter has its own approach. Rather than structuring each chapter by identical formats, the differing ideas of each thinker have been allowed to compose the narrative of the respective chapters. Accordingly, the direction of each chapter is slightly different from the others. The Montesquieu chapter, for instance, focuses more upon institutional factions that stem from mixed regime or separation of power theories, whereas both the Hume and Burke chapters focus more upon parties whose differences are represented in the legislative branch. The latter two chapters also conclude upon a similar topic, legitimate resistance. They all nonetheless overlap in their treatment of the ideas of principle and faction.

*Principle and Faction*

Lord Bolingbroke gave perhaps the most precise definition one can give for such a vague and elusive thing as a “constitution.” It is, he wrote, “that assemblage of laws, institutions and customs, derived from certain fixed principles of reason,

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38 Strauss, “What is Political Philosophy?,” 353.
directed to certain fixed objects of public good, that compose the general system, according to which the community hath agreed to be governed.”\textsuperscript{39} So notably against party, Bolingbroke is not surprisingly silent on the topic of faction and the political principles that might motivate them, yet his definition remains full of assumptions upon them. For instance, how do the “institutions” interact? Are they complementary or designed to check one another? Are they composed of men from similar classes with similar political principles? And, to what ends are customs and principles maintained? If they are mentioned in a definition of a constitution, can one assume they are maintained for political ends? If so, what effect do customs and principles have in shaping men?

Principle, or that which motivates men to act politically, and faction, the political separation of men, though not tangible parts of a constitution, are characteristics that are unavoidably derived from it. Therefore, it must be asked, what part do principle and faction play in constitutions? What, for instance, is faction in relation to the constitution? Is it an ingredient to it, a property of it, or is faction instead a method of forming a government, like a cooking procedure? That is, if men are ingredients in government and one is baking a constitutional cake, is it necessary for one to consistently follow established procedures, procedures which are dictated according to the properties of the ingredients, such as mixing the dry and wet ingredients separately?

As in baking, the properties of the ingredients with which one is working limits the way in which the cake is made. An egg is an egg is an egg, and men in political society are the same. They are ingredients to the end product which one can only hope to understand and manage. This is not to discount potential; an egg white,

after all, if whisked long enough, will become meringue. Men, likewise, can be manipulated, but in order to be manipulated their properties need to be understood. And faction, this thesis will argue, is a natural tendency, a property if you will, of man that cannot be overlooked. It is an inevitability of human nature that must be prepared for when organizing political society.

The end product in baking is determined by the way in which the ingredients are handled, as well as the way in which the properties of the ingredients are manipulated. When making custard one does not put boiling milk into the eggs, they must be tempered slowly so that they do not curdle. The fact that an egg will curdle, however, does not stop a chef from learning how to manipulate its properties, and the fact that men are factious by their nature did not encourage Montesquieu, Hume, or Burke to seek to change that nature. Instead, they sought to make the best constitutional cake with the ingredients they were given. Men are not bad eggs; indeed, if handled correctly properties that appear only to limit them, such as their factious nature, can be used for greater purposes.

In extending this vignette, let us look at principle. If faction is a property of men, something that must be understood like the viscosity of eggs, principle is an extra ingredient that can help to realize its potential. It is, if you will, the cream of tartar to the meringue; it can help to turn the gelatinous egg into something light and fluffy. It both instructs and restrains men in political function and is a necessary though often overlooked aspect of a constitution’s success. Principle is an extra ingredient used to manipulate a larger more prominent ingredient, in this case, men. All three thinkers realized that the addition of principle could manipulate a tendency of all men, that is their factious nature, into something better: party.

This analogy of men as eggs has its limits. It was Robespierre, after all, who chillingly noted that one needed to break a few eggs in order to make an omelet.
The way in which principle is used to form men is seldom agreed upon. Since it is used to manipulate their properties, it determines the end product and the end product is always to someone’s interest over that of another’s. For this reason, principle plays a major role in this thesis because the way in which men act and for whom or what purpose they are acting determines the role of faction in the state, and the role of faction, it will be shown, determines the balance of the constitution.

Though the terms faction, opposition, and party, were all closely related in eighteenth-century politics, often overlapping, there became an acknowledged difference between the terms “opposition” and “faction” during the first half of the eighteenth century. This in turn led to an increased difference between “party” and “faction.” Faction, Gunn explains, “was associated with a single-minded pursuit of office and was also applicable to men already in office, depending on their behaviour. ‘Party’ more frequently carried the connotation of a union based on principle, although it was not yet widely appreciated that these principles might dictate striving for office.” Nevertheless, these two terms “remained subject to confusion.”

Part of this confusion stems from the fact, Jeremy Black notes, “that it is inappropriate to offer an analysis that is equally pertinent throughout the century [since] parties played very different roles, firstly in the formation of ministries, secondly in the maintenance or weakening of parliamentary majorities, and thirdly in elections and in the country at large.” It is not an easy undertaking, one commentator admits, “to disentangle distinctions between party, faction and opposition in the pamphlets of this period.”

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41 Gunn, 25. Throughout the thesis, when two quotes that follow each other are from the same source and same page, they will be referenced on the second, or final, quote, as above. Additionally, all emphasis in quotes are the author’s unless otherwise noted.
42 Black, 92-93.
43 Robbins, 528.
The term “party” will be used in many ways throughout this thesis in the same way as faction, in both a positive and a negative manner. Though it contributes to making the overall concept more vague, the use of the two terms is unavoidable as each of the thinkers employed them according to their own contexts which, as noted above, were constantly changing. Though both implied a division within the state, faction could be more easily applied to the different types of divisions: constitutional or functional (what we now call branches), class, or party, the latter of which came later but could be called faction based on principle. Thus, in the majority of instances where the terms party and faction overlap in this thesis, they are meant to be interchangeable. The use of the term “party,” though certainly prevalent by the time each thinker was writing, had varying connotations similar to the division of faction that will be used in this thesis (explained below) from the pejorative, found in Bolingbroke, to the rather encouraging, but limited, use of the term as found in Burke. It is the latter’s use of the term “party” that will be found most often in the thesis where it is used according to context.

Party will be largely understood as it was in the formation of eighteenth-century English politics, though this is certainly not the only context with which party will be discussed. Though quite a lot of the contemporary discussion on political parties centers on electoral politics, this thesis centers on parties, or factions, of statesmen, politicians, or representatives in government, not outside of it. It centers on those who directly influence the political decisions of the day by their actions (often votes). The party that will be described is not separated by another layer of political decision-making. It is not concerned with voters, or those who elect those who are to compose the law. Party is here direct and immediate. A large part of it does not vote and recede, only to emerge much later, as members of modern parties
do. The whole of it is present. It cannot absent itself because the understanding of
the men who composed party or faction, as will be explained below, was a more static
one than that of today. Party, and an earlier understanding of political class, existed
in something more permanent, from Montesquieu’s *president à mortier* to Burke’s
“natural nobility,” both theories wrapped up in aristocratic overtones and inclusive of
political principle. Before taking a look at how “principle” and “faction” will be
understood in this thesis, the relationship between the two will be briefly laid out.

Montesquieu, Hume, and Burke were not alone in recognizing the
convergence of principle and party in the eighteenth century. J.A.W. Gunn notes that
there was, “a certain parallel between the development of the respectability of
individual self-interest and the eventual acceptance of party, although it is more a
matter of a similar sequence of positions than of identical subject matter.” Indeed,
the gradual acceptance of parties was a matter of seeing the virtue in party politics,
self-interest included, rather than the vices inherent in it. By coupling the debate on
principle with that of party in political thought, a new understanding of party emerged
which helped to turn “faction” into “party.” In this way, new understandings of self-
interest, of which Mandeville was the greatest proponent, had a profound effect upon
the development of political principle and its effect upon party. Burke would call this
“a body of men united, for promoting by their joint endeavours the national
interest.” Montesquieu, and especially Hume, recognized the motivation that self-
interest gave to parties which, if constitutionally regulated, could secure the national
interest.

The idea of “self-interest” in politics, as it was beginning to be understood,
stemmed from the debate on luxury. Though the focus of the thesis is not to

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44 Gunn, 10.
45 Edmund Burke, “Thoughts on the Cause of the Present Discontents,” Select Works of Edmund
demonstrate where each thinker entered into this debate and how (indeed, both Hume and Montesquieu wrote at length on the topic), the fact that they could not avoid it is of much relevance, since it was part and parcel to many of the arguments made for and against faction and party in eighteenth-century politics, most notably that of political “corruption.” Since the Crown could not fund all that was necessary for its “needs,” it relied on the monied (finance) sector for investments who most often provided the funding for the burgeoning of British trade and thus Empire. In turn, the Crown looked after the monopolies and privileges of those who invested. This was a corrupt practice, according to some, though others considered it necessary, even among the landed class.\(^{46}\) Support for the practice manifested itself in Parliament in the form of political patronage, often as seats in Parliament or public office. Opposition to it provided a sort of raison d’être for those who were set against the practice, most notably Burke and the Rockingham Whigs.

Whereas corruption was at the state level, the debate surrounding luxury also concerned state commerce. As Istvan Hont points out, Hume’s essays “Of the Balance of Power” and “Of the Jealousy of Trade” were modeled after Hobbes’ assertion that even when sovereigns are not in a state of war, they are still in a posture, informed by their mutual jealousy, of war.\(^{47}\) That Hobbes’ analysis was devoid of any meaningful economic theory did not stop Hume from incorporating ideas of jealous nations into theories of political economics. In The Spirit of the Laws, Montesquieu explained his belief that, “the natural effect of commerce is to lead to peace,” since, “two nations that trade with each other become reciprocally dependent.”\(^{48}\) He also recognized how fragile it was. Commerce, he wrote, destroyed

\(^{46}\) Black, 22.
\(^{47}\) Hont, Jealousy of Trade, 21.
by conquerors and hampered by monarchs, “wanders across the earth, flees from where it is oppressed, and remains where it is left to breathe: it reigns today where one used to see only deserted places, seas, and rocks; there where it used to reign are now only deserted places.” Both Hume and Montesquieu maintained that commerce was a cause as well as a consequence of liberty since trade could only flourish where certain freedoms existed.

This was a debate between ancients and moderns, the virtuous and the selfish. It would, in time, transform our understanding of relations between states as well as the individual and his or her relationship to the state. Self-interest and its influence in politics arose from this new type of political economy. It would alter civic virtue, as it was up to that point conceived, because it necessitated, “a foundation less spiritual and more social and even material.” There were two sides to this debate: those who believed that luxury contributed to such things as inequality, depopulation, loss of morals, courage, or patriotism, and those who believed that luxury helped increase living standards, overall wealth, “the rise of the Arts and Sciences” (as Hume would put it), the power of nations and general happiness. Montesquieu, Hume and Burke all fit into the latter category, though the latter category itself split into different camps according to how, and for what purpose, such ends could be achieved. Montesquieu, for instance, recognized that the debate on luxury could become quite arbitrary when considering different states. That they were in the latter camp,

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49 SPL, XXI.5, 356.
52 Jeremy Jennings, “The Debate about Luxury in Eighteenth- and Nineteenth-Century French Political Thought,” Journal of the History of Ideas Vol. 68, no. 1 (Jan., 2007), 86. Montesquieu recognized the irony of the debate in his earliest work, the Persian Letters. Usbek, sounding rather Mandevillian, writes, “a woman gets it into her head that she must wear a particular outfit on some occasion and at
however, meant their understanding of political principle and faction could not be separated from self-interest. The value that self-interest has had for economic theory is evident, particularly in historical terms, though this focus is largely upon self-interest at the state level, as in “reason of state.” Though at times the two overlap (what we today call political economy), this thesis will look at the development of self-interest (often vice) and the decrease of selfless virtue as it relates to party and party members in constitutional thought.

Gunn calls eighteenth-century party a matter of “sentiment and influence” that relied heavily upon alliances between prominent men.\textsuperscript{53} Because parties were known to exist through “connexion,” they were seen as “interests” in the full sense of the word.\textsuperscript{54} Because of this, they were seen as not only partisan but irrationally self-interested. Burke would maintain this same argument and pursue it. Unapologetic in his defense of connexion and prejudices, his conclusion was novel and set against other commentators who believed that men gave up, “their reason and consciences to party managers, staking their personal comfort in an unrestrained effort to satisfy ambitions not properly their own.”\textsuperscript{55} The thinkers of this thesis would understand this argument very well, but in the end they would come to interpret it differently, largely because of the role they afforded political principle in the formation of party.

Though the concepts differ slightly according to how each thinker understood them, principle and faction are consistently employed in the same terms, by which is meant shared analyses of similar forms of government: Greek, Roman, Venetian, once it becomes impossible for fifty craftsman to get any sleep or have leisure to eat and drink; she gives her commands and is obeyed more promptly than our monarch, since self-interest is the greatest monarch on earth.” \textit{Letters} 106, 194-195. Hereafter cited as \textit{Letters}, Letter #, page #.
\textsuperscript{53} Gunn, 28.
\textsuperscript{54} Black, 25-26.
\textsuperscript{55} Gunn, 9.
French, and most notably English.\textsuperscript{56} This thesis attempts to likewise understand these concepts via the same terms, but a more specific explanation of how they will be used is appropriate.

“Principle” is the quality of character that motivates those who have a hand in government. The use of the word “principle” in this thesis will refer to political principle, or that which motivates as well as regulates men when acting in political function. It is at the same time a quality of character that establishes rules for men in government and, “the human passions that set [government] in motion,” as Montesquieu put it.\textsuperscript{57} Principle is often a reflection of the constitutional form, though one does not require the other. As a \textit{political} principle, such a quality of character need not be moral. Indeed, this thesis will argue, the most effective principles are, in the end, not based upon ethical or moral considerations but rather upon considerations of self-interest.

Though principle is commonly understood as that which motivates men to act in government, it is often categorized according to more familiar political terms, illustrative of the way in which each thinker understood principle. Of the three, Montesquieu is the most straightforward. He lists three principles, virtue, honor, and fear, which correspond to three government forms, democracies (including republics), monarchies, and despotisms. Unlike Montesquieu, who attaches principle to government form, Hume and Burke first identify principle with party. Like Montesquieu, however, they understand principle to be that which motivates and regulates men in political function. There exist many exceptions to this basic understanding, however, and none can fit easily into a conceptual box. Burke, for


\textsuperscript{57}SPL, III.6, 21.
instance, identifies a single principle with the Jacobin form of government while Montesquieu admits to there being several principles that motivate the different factions of England’s mixed monarchy – but for now, let us rest content with associating two actions to the idea of principle that are shared among all three thinkers: motivation and regulation.

The use of the term faction is a bit more nuanced. For the purpose of this thesis, and in order to identify and make use of the concept of faction more clearly, it is defined in two ways, following the various uses of the concept employed by Montesquieu, the first thinker to be examined in this thesis, throughout *The Spirit of the Laws*. I have retained the word “faction” for both concepts, rather than give two separate terms denoting similar concepts. The concepts are, in fact, interrelated and complementary. So, like Montesquieu and his understanding of virtue, I have preferred to fix the signification of the concept by that which follows or that which precedes the word. Thus, I attach to the concept of faction two words which give it separate significations, but related and complementary meanings.

The first concept, “singular” faction, remains closest to a colloquial definition of faction in a pejorative sense. That is, it is faction which seeks no other interests than it’s own, even at the risk of ruining the constitution within which it operates and achieves political power. It is faction that ends in what Montesquieu called the “despotism of one alone.” Indeed, the word “singular” is used in the same manner as Montesquieu when he applies the term to the “singular” institutions of ancient Greece, which were used to form and promote a single outlook for the republic (IV.6-7).\(^{58}\) Since their natural setting was, “in a small state, where one can educate the general populace and raise a whole people like a family,” the singular institutions operated

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\(^{58}\) In references to *The Spirit of the Laws* that are general and do not require page numbers, the citations are put in the text throughout the thesis. The above citation reads Book IV, chapters 6-7.
best when no opposition existed within the state. Such a decided lack of opposition in the state gave these singular institutions in Greece a potency that is unrivaled in history (IV.4). Yet, their weakness lay in their inability to adapt to the natural passions of man, passions which were antagonistic to the virtues instilled by the singular institutions and which historically prevailed over their constitutions. This antagonism resulted from man’s desire to be different. Where diversity existed or was produced in ancient Greece, man’s natural passions caused singular institutions to become singular factions, which in turn provoked other singular factions to arise, threatening the stability of the constitution.

The second term for faction that will be used in this thesis is “principled” faction, or faction as positive competition within the state. Principled faction may remain individually motivated up until the point at which that singular motivation threatens the balance of the constitution. In this way, it “stretches” the constitution, as Montesquieu put it, in a beneficial and reinforcing manner but does not aim towards despotism or tyranny (XI.13). It is virtuous in the way in which it benefits the whole of the state, but honorable as it is really virtue as self-interest. Whereas singular faction seeks to destroy the constitution unless it controls the power of the state, principled faction seeks to strengthen the state by reinforcing its previously established constitutional bodies and their respective shares of power.

A key difference between singular and principled faction is an inherent rejection of difference in the former and a specific necessity for it to exist in the latter. A further difference between the two types of faction is the tolerance of political hypocrisy and the understanding of its use in political society. Singular faction rejects it outright, or professes to. Principled faction, on the other hand, tolerates hypocrisy

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59 SPL, IV.7, 38.
to an extent. It recognizes that it is necessary and can be useful, but it also recognizes how singular faction can abuse it. The extent to which principled faction should tolerate political hypocrisy, as advocated by the thinkers of this thesis, continues to speak to us today and will be taken up at greater length in the conclusion.

*The English Connection*

Many similarities are shared among all three thinkers in this thesis. Interestingly, all three had a period of “wilderness” years. Montesquieu was in Paris from 1709 to 1713 as a young advocate, during a period of which little is known. Indeed, not a single letter sent or received by him survives.\(^{60}\) Hume spent three extremely productive yet reclusive years in France after a brief earlier period spent pursuing a career in shipping in Bristol. And, Burke’s “missing years” in his early twenties in England were a time of which little is known, though much is theorized.

All three thinkers were intimate with one another’s works, save for Montesquieu being aware of Burke (Montesquieu died in 1755, a year before Burke’s first major publication was released). The relationship between Burke and Hume was a cordial one, and could be described as close. Burke was well aware of Hume’s work, as well as the work of other Scottish thinkers of the time, for whom he had much respect. It was from Hume that Burke received the first-hand accounts of Jean-Jacques Rousseau employed in “A Letter to a Member of the National Assembly.”

Montesquieu and Hume were familiar with one another and wrote to each other occasionally upon the receipt of one another’s works through mutual friends. In writing to Montesquieu, Hume praised the Frenchman as, “the author of a work that is held in the highest esteem by all nations and that will be admired through the

Montesquieu wrote to Hume, noting that he and their mutual acquaintance, John Stewart, had read an essay where Hume, “mistreated slightly the ecclesiastical order.” “We could not have entirely approved,” he continues, “though we are content with admiring you. We did not find reason to believe that these men were such as you say, but we found your reasoning sound to say as much.”  

The two, Montesquieu and Hume, respected each other intellectually and their correspondence demonstrates not only cordiality, but also clarification and, at times, criticism. Hume, for instance, corrected Montesquieu on a point made in XI.3 in The Spirit of the Laws that English juries do not determine if something is “proven” or “not proven” but whether the defendant is guilty or not guilty. There is a subtle difference between the two, a difference which Hume highlights by citing a case of persecuted Presbyterians in Scotland where the law only necessitates proof; they were “proven” to have met and so the punishment followed. Hume leaves open the question of guilt, but the point is implicit. That something is proven does not necessitate guilt. Montesquieu took this to heart and incorporated Hume’s point by changing the wording in the next edition.

Though Burke and Montesquieu were not acquainted personally, the former was well aware of the latter’s work. It is thought that Burke did not read Montesquieu until sometime after 1750, but thereafter, as C.P. Courtney writes, “his admiration for Montesquieu is constant.” Burke read Montesquieu in his own way and appropriated him for his own cause. That Montesquieu was used by the Jacobins for

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63 “Letter to President de Montesquieu” [April 10, 1749], 135. Translation mine.
64 C.P. Courtney, Montesquieu and Burke, (Greenwood Press: Westport, CT, 1975), 38.
their cause, Burke found highly ironic. In a letter written shortly before the

Reflections Burke writes of Montesquieu:

You say, my dear sir, that they read Montesquieu—I believe not. If they do, they do not understand him. He is often obscure; sometimes misled by system; but, on the whole, a learned, and ingenious writer, and sometimes a most profound thinker. Sure it is, that they have not followed him in any one thing they have done. 65

Burke admired Montesquieu until the end of his life and warmly received Charles-Louis de Secondat, Montesquieu’s grandson, at Gregories in 1796.

All three men were outsiders, in one way to another, to a place that equally attracted them: England. They were all, in fact, outsiders in their own lands. Montesquieu’s Gascon accent, a result of being raised by the local miller for the first three years of his life, would cause him to stand out in polite Parisian company. Hume’s steadfast refusal to conform to any religion meant he would be denied twice for academic chairs in his native Scotland, chairs which he most certainly deserved. Burke was a product of Catholic parents, one recently conformed, in officially Protestant Ireland, and his Nagle connections, which meant his Catholic connections, were an unpleasant reminder for him in his public life, even while still in Dublin. That said, as outsiders, they shared an appreciation for the history and the exercise of the English constitution, to which their thought on party is heavily indebted. To better establish a background for their thought, it deserves a brief discussion.

The English constitution had been, by the second half of the eighteenth century, held up by so many to be the model upon which modern liberty could rest that its legend began to take on a shape of its own. In celebrations of the English constitution, the Glorious Revolution was typically signaled as a milestone in the

development of English “liberty.” For others, however, it signaled merely a shift in power from king, to king-in-parliament. What is undeniable, however, is that the prevailing theory of sovereignty had been reformed. Theories of Bodin, Filmer and Hobbes no longer resonated with the occasion and as a result, political theory was forced to change with the new circumstances. Sovereignty had been reformed, but whether or not power had been moderated was yet to be seen. Had parliament assumed the hubris of power that once resided in kings, for instance? Or, had despotism merely been substituted with corruption and patronage?

With parliament’s ascendancy following the Revolution, the fear of a king ruling without parliament began to subside. In its stead arose a new, subtler fear, “of covert tyranny by an oligarchy which controlled parliament.”66 There existed a discussion among men of the Country stripe that, “revolved around several ubiquitous dichotomies, virtue against corruption, public good against private advantage, transparency of counsel against the secret cabals of juntos and cabinets.”67 Such dichotomies are the material for the political thought of our thinkers, though they did not resolve them according to moral dictates, as much as they sought to understand the causal tendencies of each dichotomy. Bolingbroke did the most to stoke the fear of such division, as will be discussed below, and his thought on the matter provides a starting point for this thesis. By controlling the distribution of offices the executive could control Parliament, corrupting its members and generally influencing all legislative decisions for his will, so the argument went. This was the “Country” view of things, and was broadly seen as “Whig” doctrine, though its mantle was just as

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67 Ibid., 68.
easily adopted by Tories when out of power. Alternatively, “Court Whigs” were accused of having betrayed the “principles” of the Revolution, the “principles” being a resistance to the corruption of power.

No matter who adopted what principles, the fact remains that parties would come to be based around “principles” that most often described one’s relationship towards “constitutional policies” and not daily policy. Following the Revolutionary settlement, which had resolved the “great issues” of constitutional opinion when both Whig and Tory parties united in opposition to James II, Whig and Tory parties went from being “great” to “small” parties. For though the large issues of constitutional import were decided upon, the issues themselves remained and continued to divide men according to their opinion on them. That parties were divided upon constitutional opinion, yet remained conciliatory, had far reaching implications for constitutional theory. Not only were parties beginning to form recognizable party traits but they were doing so in the context of a constitution that could accommodate their presence.

As Jeremy Black notes, “the crucial division between Tories and opposition Whigs and the role of issues, on which there were recognizable party positions, in the politics of the first half of the century suggests…that it is appropriate to adopt a party


69 Gunn, 11.

70 Robbins claims the Revolution, “was the work of a coalition. Party played no role in it.” This view neglects the dialectic relationship that the two parties had upon one another in forming a coalition. Though the actual event may have been carried out by a coalition, there is a prior act of moderation and conciliation in forming that coalition that Robbins here ignores. (519)

71 Mansfield outlines this argument, and though he is rather sympathetic to it, he rightly notes that its conclusion has been overstated and oversimplified. *Statesmanship*, 4-6.

72 Divisions within Parliament regarding opinions of constitutional principle were eventually effective in finding political means to settle constitutional disputes. One finds by 1780 Dunning’s motion, passed in the Commons, that read: “that the influence of the Crown has increased, is increasing and ought to be diminished”; the motion passed 233 to 215. *The Oxford Companion to British History*, revised ed., s.v. “Dunning’s Motion,” ed. John Cannon (Oxford: Oxford University Press, 2002), 312.
Just as divisions were being made in practice over constitutional principles, a parallel change was taking place in political thought that took a more functional approach to party. This change was neither immediate nor complete. Anti-party sentiment ran deep, well after the settlement was complete. It had not been too long since party strife had led men to take up arms against one another. Nonetheless, it was a change whose most telling effect was a reappraisal of the “mixed constitution” theory, and the revival of what was now being called, upon the assertion of the Common’s increasing power, the balance, or separation, of powers.

The question, “what replaced the mixed constitution?” is a larger question and one that precedes the one this thesis is seeking to answer – “how did Montesquieu, Hume, and Burke contribute to the acceptance of party in political thought?” Nonetheless, the latter is derivative of the former and so the former must be touched upon to answer the latter. The answer that will be given in the conclusion to the question “what replaced the mixed constitution?” is straightforward: party politics. The extent to which Montesquieu, Hume, and Burke contributed to a theory of party politics is what this thesis will attempt to answer by looking at the ideas of both principle and faction.

The argument that the constitution of England was a product of mixed institutions, a mixed form of government, was most ardently and desperately put forth in Charles I’s Answer to the Nineteen Propositions of 1642. The mixed regime was argued to be the institutional expression of tolerance, of the acceptance that different understandings of justice can exist within one political society. In a mixed

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73 Black, 41.
74 On this see Pocock, The Machiavellian Moment, ch. XI. Historians are loath to trace parties back to the events surrounding the English Civil War perhaps because they broke one of the cardinal rules defining our modern understanding of party: they took up arms.
constitution, social divisions are given the political space to represent themselves, but they are not parties in the contemporary sense. Proponents of mixed regimes argued that “a well-ordered constitution has parts without parties.” That is, social divisions were tolerated and permitted in a share of the constitution, but parties were castigated as exploiters of these natural divisions.

The difference between theories of mixed regimes and theories of a balance of power – and the shift in emphasis from one to the other – can be seen as the difference between a country’s public and private constitutions. The former, that which appears to the public as the ostensible form of rule, tends to denigrate, if not completely neglect party, while the latter, the way in which the regime is actually run, has always been the natural harbor for party. Bolingbroke, discussed below, would label the two public and private, or the “government” and the “constitution,” respectively. The public constitution of seventeenth-century English politics was continually in crisis. Once it could no longer live up to its professed principles, recourse was slowly made to the private constitution. In doing so, the interaction of the government itself – the men who decide political affairs – would be examined. There was a grey line that marked the extent to which institutional interaction in the mixed regime was antagonistic, or partisan, and therefore acted as a balance. That grey line, nebulous as it was, was reformed after the Restoration, continually revised until the Revolution and then resituated once the Revolutionary principles had been established in practice. This move – which was nothing more than an acceptance of opposition – served to highlight the theoretical transition that was taking place from the mixed regime to one of a balance, or separation, of powers.

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75 Rosenblum, 60.
Two recent definitions of these constitutional terms will help to clarify this point. Robert Shackleton maintains that the difference between the mixed regime and the separation of powers is a question of sovereignty. In the former, the legislative power is sovereign and assigned jointly to king, nobles, and people in parliament. In the latter, political authority is divided (and therefore not sovereign) into three constituent functions that operate separately and without collusion. Rosenblum notes that a balance of power “assumes antagonistic interests” and does not require fixed social orders or cooperation, while a mixed constitution, “does incorporate permanent, designated groups or social orders, not shifting interest groups, and aims at cooperation.” Rosenblum and Shackleton’s definitions are great starting points, though they only take one so far. They do not explain how the mixed constitution, which aimed at cooperation, became one that incorporated antagonistic interests, or at least became one that tolerated antagonistic interests such as an opposition. Likewise, how is one to understand how the division of the legislative power according to social classes morphed into the division of government by functions (if not in practice, then at least in theory)?

It was a theoretical leap from a theory of mixed regimes to one of a separation of powers, but one that all three thinkers in this thesis were required to take. That they did so, however, does not mean that one theory was swapped for another. Often theories of mixed regimes were blended with theories promoting a separation of powers and vice versa. Theories of mixed regimes carry with them an implicit assumption that power will be separated at some level, while there remains in theories that expound a separation of powers the understanding that the constituted powers will continue, out of necessity, to collaborate. The two were always more separate in

76 Shackleton, 298-99.
77 Rosenblum, 87.
theory than they were in practice, though initially after the Revolution, Whig and Tory parties clung to differing theories. Tories believed in a divine-right monarchy while Whigs continued to believe that England had an ancient mixed constitution. What emerged from both theories was manifested in Parliament as foundations for each party – the “constitutional necessities” promoted by each party.

While one focused on asserting the rights of the monarch, the other asserted the rights of Parliament (as well as guarding against the encroachment of those rights by the monarch), a struggle that served to highlight the balance of the powers in the state. The historical move from a belief in mixed government to a balance of powers, originated principally as party formed largely to express “opposition” (though party could also be an expedient way of consolidating a ministry). In *The History of England*, Hume explains how the party system arose out of the jealousies attending the mixed constitution. Though all parties sought to preserve the constitution, and were thus *parts of* the whole, they varied in their “prejudices, interests, and dispositions.” Some inclined “with more passion” to the regal, others to the more popular part of government.⁷⁸

Along with this change in emphasis from a mixed constitution to a balance of powers, there was an increasing tendency to associate constitutional powers with political functions over that of social classes. (Today, for instance, in nearly all constitutions, governments are composed of different political functions, not social classes.) The diversification, more so than the extension, of suffrage was a key reason for this. Competition for election was not a traditional element of the House of Commons, but it began to take hold in the eighteenth century when it evolved among

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the gentry, largely for ideological reasons, social distinction, patronage, and influence at court.  

Two things occurred during this change in emphasis, as mixed constitutions became increasingly separated by the division of functions and less so by the division of classes, that this thesis will seek to examine. First, a fear of singular faction that sought control of the various functions was regenerated, though this time the fear was that of a party, and not of a social class. Second, there became a gap in the maintenance of principle associated with each division of government and the principle in practice, especially in the House of Commons. In the mixed regime, social classes, particularly the aristocratic governing class, were regulated by longstanding and firmly entrenched principle. As the emphasis came to be placed increasingly upon party, however, over that of class (the former replacing the latter in government function), a disconnect in constitutional theory appeared between political principle and the political bodies that now carried out government functions, party. It is this disconnect that all three thinkers recognized was an increasing problem in constitutional thought. Principled faction helped to reconnect the function of government with political principle.

There are two ways to describe eighteenth-century party, especially in a two-party state: a minority and a majority, or a government and an opposition. The latter is the most useful for this thesis because it flags the constitutional development, highly influential upon all three thinkers of this thesis, that transformed parties from parts against the whole to parts of the whole. As noted above, while social divisions were accepted in the mixed regime, division by party was seen as illegitimate. After

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79 Rosenblum, 79.
the Revolution, however, the idea that parties prevented a necessary degree of national unity was questioned. “Even some strongly anti-party writings thus admitted that their effect could not be as virulent as commonly supposed,” Gunn writes, “or the nation would long ago have disappeared.”80 Certainly the understanding and gradual acceptance of a legitimate opposition, which developed slowly but naturally from the events following the Glorious Revolution, contributed in large part to considering parties parts of the whole and not parts against.81 Though there are notable exceptions to this focus on English constitutional history, even among the thinkers of this thesis, one finds that the idea of a legitimate opposition was vital to the development of a constitutional balance of power enforced by party.82

Party became a justifiable source of opposition, just as opposition came to be seen as a necessary way of maintaining integrity in the government, though the state of “party” in practical affairs remained an unstable phenomenon that lacked a precise definition.83 Knud Haakonssen describes it as a “shifting constellation of interests, policies and principles represented by changing alliances of individuals and groups, often connected by family ties.”84 Though a party’s content changed as each gained or lost power, they remained a fact of English political life. Gradually the idea of conflict as a necessary political tool in shaping effective policies came to be accepted so that party came to be seen as something unavoidable in any free government. Most importantly, instead of placing value upon particular parties, the nature of party interaction was increasingly appreciated.

80 Ibid., 9.
82 Montesquieu’s most famous constitutional analysis remains his examination of the English constitution, but as will be shown in the first chapter, just as much can be taken from his thought on this matter (antagonism within a mixed constitution) when looking at his examination of the French constitution (the role of parlements in particular) and the noble principle of honor.
Once the formality of opposition was entrenched it became much easier to attack the party in opposition rather than “opposition” in general. By the early half of the eighteenth century, Gunn notes, “the diversity of interests and parties was usually seen as a consequence, not the cause, of that general freedom which Englishmen enjoyed.”85 If party was the cause of English liberty, for better or worse, the effects it had in moderating power gained appreciation, though party itself was not, for the most part, overtly praised. The fact that power was now balanced within parliament via a ministry and an opposition, loosely taking on the form of antagonistic parties, was enough to elicit praise.86

The useful balance opposition provided to the monarch was already in existence by the early half of the eighteenth century. When the Tories were not in power, their “place in Parliament was owed not only to their widespread support among the electorate but also to the fact that their existence as a potential alternative administration gave monarchs a useful check upon Whig pretensions.”87 This was true, in turn, of the parties in their relation to the crown, which could in theory still appoint or dismiss ministers at will. The crown did so, however, “at the risk of losing control of Parliament through the activities of one or other of the parties.”88

Monarchical influence in parliament and opposition to this influence slowly became positions, “which fell within the tolerable limits of conduct, however much it might be condemned as a factious doctrine.”89 Practice, in this case, came before theory. The residue of constitutional practice colored all celebrations of the English constitution to the extent that the organizing principle, “was the commonplace idea that structures of government could preserve political freedom only where they

85 Gunn, 21-22.
86 Robbins, 521.
88 Ibid., 230.
89 Gunn, 23.
frustrated the abuse of political power." 90 Groups were therefore tolerated – the Tories after the Revolution – without being excluded, because they contributed to a controlled constitutional antagonism, and not cooperation, that was seen as necessary to secure the ends of the constitution.

This tenuous and at times delicate constitutional relationship provided the material for our thinkers, though a detailed theory was far from being formed. As Robbins rightly notes, “The ways in which on the one hand evil effects in the constitution could be controlled, and on the other the connection of party and public opinion could be adjusted to the implementation of policy by Parliament, were not as yet clearly laid out.” 91 The changes in constitutional practice left plenty of room for theory to offer solutions. Montesquieu and Hume were merely observers of English politics whereas Burke would directly enter the debate, yet all three were inspired by the constitutional debates over ministry, opposition, and party. The result can be found in their contribution to constitutional thought which continues to inform our understanding of party today.

**Bolingbroke & Mandeville**

The starting point for this thesis comes after certain assumptions are already made, as described above, concerning changing economic conditions and corresponding theories of civic virtue, which were, according to the thinkers of this thesis, outdated. “Corruption,” had already set in, and the political order known to Harrington or hoped for by Sydney, for instance, had radically changed by Bolingbroke and Mandeville. Government had grown, standing armies were accepted and “the substitution of private dependencies for public authority” had eroded and

91 Robbins, 528-29.
altered forms of property that had previously maintained independent forms of power.\textsuperscript{92} As J.G.A. Pocock notes, “once land and commerce were placed in historical sequence, civic man found himself existing in a historical contradiction.”\textsuperscript{93} What unites the thinkers of this thesis is the way in which they reacted to this contradiction by tolerating certain forms of hypocrisy and inequality; it is also what separates some other contemporary thinkers from it. So before taking a look at Bolingbroke and Mandeville, two major influences upon all three thinkers, a word or two should be mentioned on why two of the most important constitutional theorists on party, Adam Ferguson and Publius, were not included in this thesis.

Of the Scottish Enlightenment thinkers whose ideas pertain to this thesis, Hume offers more on party and principle than any other, though Adam Ferguson certainly contributed greatly to the topic. Ferguson’s focus on civic virtue veers too far away from the typology of political principle that one finds in Mandeville or Montesquieu, especially in the latter’s understanding of false honor.\textsuperscript{94} Ferguson differed over the roles of citizenship and wealth with Hume, as well. Rather than adjusting civic values to the new economic reality, which would permit certain forms of political hypocrisy, Ferguson believed that those civic values were antecedent to attaining wealth. Ferguson saw the draw of wealth and noted its tendency to pull men out of politics; reclaiming the civic creed, therefore, was Ferguson’s main task.\textsuperscript{95} Rather than reclaim an outdated civic creed, all three thinkers reformulated

\textsuperscript{92} Pocock, The Machiavellian Moment, 464.
\textsuperscript{93} Ibid. 499.
\textsuperscript{94} Ferguson’s civil society was a product of instinct, accident, and improvement that no one man, however enlightened, “could have projected.” It was not, and here he takes on Mandeville directly, comparable to the “artifices of the beaver, the ant, and the bee.” Adam Ferguson, \textit{An Essay on the History of Civil Society}, ed. Fania Oz-Salzberger (Cambridge: Cambridge University Press, 2006), 173-74.
understandings of civic virtue, if not abandoning it altogether as Montesquieu did, in the face of a newly emerging commercial state.

Many arguments could be made for including the *Federalist Papers* in a discussion on party and principle in the eighteenth century. The constitutional end sought by Publius was much the same sought by all three thinkers, security (#3). Indeed, Publius appeals directly to many of the same British examples where security was found in a greater union of differences (#5). The understanding of representative democracy was nearly the same (#14), as was their discussion of principle in representatives (#10, 36, 49, 51, 58, 76). Nevertheless, the nature of the debate was fundamentally different. Such an argument has more to do with federalism, anticipated expansion and conflict, than it does national parties (#5-9, 13, 18).

Whereas Montesquieu, Hume, and Burke had to compromise between constitutional theories of class structure and political function, Publius could reject the former outright (#35; though this did not stop him from examining the nature of class relations). Due in large part to the newness of their situation, they could apply directly to a much more rigorous theory of the separation of powers, even more rigorous than that proposed by Montesquieu.

Though Bolingbroke was silent on the topic of party in his definition of a constitution, his understanding of it corresponded to his unique distinction between the “government” and the “constitution.” By “constitution” Bolingbroke meant the institutions and traditions composing the governing process. It is how the government should operate in the abstract. “Government” is, “that particular tenor of conduct which a chief magistrate, and inferior magistrates under his direction and influence,

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hold in the administration of public affairs.” It is good government in as much as it is in conformity with “the principles and objects of the constitution.” The constitution is how the country should be governed whereas the government is how the country is actually governed at any particular time. Bolingbroke’s understanding of “party” corresponds to this political understanding of government. In the first category (the constitution, or how things should operate) Bolingbroke most often used the term “estates” to denote the powers that compose the constitution, largely absent of any grouping by party. It is in the second category, the actual operation of government, that Bolingbroke more often used the term “party.”

Bolingbroke believed that party inherently held harmful tendencies and was thus pessimistic about the potential benefit its continued presence could have in constitutional government. He nevertheless promoted the idea of a “national party” which coalites in order to suppress a third type of party, faction, or those who seek to corrupt the constitution by taking charge of the government and acting unconstitutionally (a term coined by Bolingbroke). Faction is in this way opposite to the constitution. Before his idea of faction can be fully understood, however, it is necessary to understand how Bolingbroke conceived of party and party politics.

In the first Letter of A Dissertation Upon Parties, Bolingbroke maintains two points that underpin his argument throughout the work. First, the party system, if not based on, is at least maintained by corruption. And second, in order to check that corruption, “good men…should join their efforts to heal our national divisions, and to

97 Parties, X, 88. Bolingbroke’s political writings will be looked at here, most notably “A Dissertation Upon Parties”. Burke’s Vindication, though directed against Bolingbroke, is not discussed below. Rather, their thought on party, as it relates to the Glorious Revolution in particular, will be.
98 Ibid.
99 Parties, I, 3.
change the narrow spirit of party into a diffusive spirit of public benevolence.”

Here Bolingbroke first pronounces the difference between his general understanding of party, his understanding of “national party,” and a coalition that sought the national interest. To begin, however, let us start with party.

Believing it had a tendency to degenerate into faction, Bolingbroke uses the term “party” almost always in the negative sense. Divisions were most often false ones, directed by those with sinister interests towards those who would become, “the instruments and the victims of private ambition.” In describing “party justice” Bolingbroke explained how the actions of party are motivated by men’s passions and not their reason. What’s more, party employs the full extent of its power for vengeance, as opposed to reparation, and knows no other way of dealing with the perpetual problems of party. This skeptical understanding of party came from Bolingbroke’s view of recent English history, shared in many ways by the thinkers of this thesis. The similarities help to illustrate why, even when he was so pessimistic about party politics, he still believed that parties could come to the rescue of the constitution.

In the first Letter of the Dissertation, quoted above, Bolingbroke pronounced the difference between parties and a coalition of parties that sought the national interest. The “good men” must act in coalition to stem corruption, but who are the good men? To answer this, one must look at how Bolingbroke understood the role of party in fomenting the Glorious Revolution. At the end of Charles II’s reign there were factions of the court who were set against the Parliament, and factions in Parliament who were set against the King. Both were obstinate, but when James II

100 Ibid., 6. Burke would write a similar passage in the Discontents: “When bad men combine, the good must associate…” The only difference in the two passages was a belief in the degree of permanency necessary for party. (146)


102 Ibid., 17.
assumed the throne, this common danger united them. Parties could either improve and act as “national parties” who were willing to put the national interest above their own, or degenerate into faction. Jacobins, those who supported James II, did the latter and became a stronger and more dangerous faction while the parties of Whig and Tory were becoming less so to one another. The Jacobins were, at this time, the only truly dangerous faction because their difference centered on an unconstitutional belief in the crown’s prerogative. The mutual fear of this faction incited “good men” to act against their party prejudices which had previously driven them apart. Consequently, both Whigs and Tories acted in the national interest over their own unique interests.

The events surrounding the Revolution had a mitigating effect upon the parties, and when the situation called for it, they entered into a coalition that dissolved the differences of party. Both parties “saw their errors,” Bolingbroke writes. “Both had sacrificed their country to their party. Both sacrificed, on this occasion, their party to their country.” Thus, when acting in coalition the parties ceased to be Whigs or Tories, though the coalition was not a party itself. Bolingbroke’s “national party” is therefore a party that will join a coalition in order to suppress faction.

After the Revolution, the new constitution was built on national interest over that of party. “Instead of erecting the new government on the narrow foundations of party systems, the foundations of it were laid as wide, and made as comprehensible as they could be.” This established the national interest over that of party interest and made party, in theory, less necessary. Party would change after the Revolution,

103 Parties, VII, 60; Montesquieu called this a mutual fear among domestic factions, SPL VIII.5, VIII.13.
104 Parties, VII, 64.
105 Parties, VIII, 72.
106 Ibid., 67.
However, as both Whigs and Tories dropped their “real essences,” even though they maintained their “nominal” ones, the latter causing as much damage after the Revolution as had been done by the former before the Revolution.  

Party before the Revolution, therefore, was founded upon real differences, especially ones concerning the foundation of government. After the Settlement, the differences became merely nominal. Subsequently, party strife was only for the sake of party strife, even though that party strife was slowly corrupting the national parties.

Each party championed positions that they strongly opposed before the Revolution. They forgot their true principles, and the struggle became one for power, not principle. Such a return to party was not as dangerous as it previously was, however, because the Revolution had settled all of the estates, especially the Houses of Parliament, upon a national interest: “the three estates have not only one common interest, which they always had; but they have, considered as estates, no separate, contradictory interest.” As long as the spirit and principles of the constitution are “agreeable to nature and the true ends of government,” which Bolingbroke believed the new constitution to be, truth and reason would prevail over any prejudices that sought to abuse or corrupt the government.

Regarding the Revolution, Montesquieu, Hume, and Burke would come to much the same conclusion as Bolingbroke. All were in agreement that “party” had become less harmful, though “faction,” in the pejorative, had not. A key difference

107 *Parties*, VIII, 70.
108 After the restoration, Bolingbroke believed there was a single difference between parties: religion, a difference between “Churchmen and Dissenters.” Hume would be heavily influenced by this insight in writing his essay, “Of Parties in General.” Similarly, Bolingbroke’s analysis of the parties that existed after the Restoration and the subsequent way in which they used bribery to gain influence undoubtedly made a mark upon Burke’s method in the *Discontents*. *Parties*, III, 22. The description of how a sect maintains control is also elaborated upon in Letter IV.
109 *Parties*, VIII, 71.
110 *Parties*, IV, 76.
111 *Parties*, XVII, 163.
112 *Parties*, IX, 77.
that all recognized between party and faction was the belief the former had in the constitution, and the contempt the latter held for it. It was a difference recognized by Bolingbroke – that between principled and singular faction – though the thinkers of this thesis would come to different conclusions. They would promote party to make it a stable part of constitutional government.

In the ninth Letter of the *Dissertation*, Bolingbroke breaks down faction into three types. First, there are men who are, “angry with the government, and yet resolved to maintain the constitution.” Second, are men who are “averse to the government, because they are so to the constitution,” or, “averse to the constitution, because they are so to the government.” Though the second is more likely to bring about slavery than to promote liberty, Bolingbroke does not see much danger in either of the first two types of faction against which “liberty” cannot prevail. Men may want better ministers, kings even, but, according to Bolingbroke, they will never find a better constitution. As a result, he puts his faith in the constitution to prevent against these two types of faction. The third type of faction presents the greatest danger. This, to Bolingbroke, is what is called in this thesis “singular faction.” It is composed of men who are “attached to the government; or…to the persons of those who govern; or…to the power, profit, or protection they acquire by the favour of these persons, but enemies to the constitution.”

Since the third type of faction does not conform to the principles of the constitution, but only to power and profit, they are only attached to themselves, or to those who protect them. A prince who seeks to subvert the constitution by gaining more power usually puts this type of faction into

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113 Ibid., 85. Bolingbroke later calls them, “enemies to the constitution, under the mask of zeal for the government,” XI, 110.
power, as their allegiance is to him and not the constitution. Thus, faction disrupts the constitution for its own ends.\textsuperscript{114}

After identifying the type of faction the \textit{Dissertation} is set against, Bolingbroke goes on to explain how that faction seeks to corrupt the constitution, and how such corruption can be prevented. He employs the proverb, “the corruptions of the best things are the worst,” (repeated later by Hume) to illustrate how such a free constitution, indeed the best possible, is at the same time prone to corruption and when corrupted, to tyranny.\textsuperscript{115} As factions are no longer able to draw armies into the field, as they once were, they have come to rely on cunning and corruption. Here Bolingbroke makes his strongest warning in the \textit{Dissertation}: the corruption from and influence of the Crown that stems from the increase in the civil list will pervert the constitution. Those of the Court party argue for an increased civil list so that they might corrupt the Houses of Parliament.\textsuperscript{116} This newfound influence, which is a corruption of the true powers of the constitution, replaced the corrupt arguments in support of the prerogative of the crown, as argued formerly by the Jacobins. This is a new faction, Bolingbroke warns, and it must be opposed.

As a free government is more prone to the schemes of those who seek to corrupt it, representatives must maintain their integrity.\textsuperscript{117} It is not the frequency of parliament that secures the liberty of the state, as much as it is the frequency of new parliaments. Frequent parliaments allow the people to redress their grievances, but new parliaments allow the people to call their representatives to account for their actions, and in this way prevent factions from forming.\textsuperscript{118} After all, Parliament is the “true guardian” of liberty. Though it was created as a bulwark against tyrannical

\textsuperscript{114} \textit{Parties}, XII, 118-19.
\textsuperscript{115} \textit{Parties}, XVII, 167. For Hume see “Of Superstition and Enthusiasm.”
\textsuperscript{116} \textit{Parties}, XIX, 186.
\textsuperscript{117} \textit{Parties}, XV, 151.
\textsuperscript{118} \textit{Parties}, XI, 103, 107.
power, a corrupt parliament is worse than no parliament at all, as the latter only increases the power of the king. Besides, Bolingbroke notes, it is easier for a king to corrupt parliament than it is for him to get rid of it.

In addition to frequent new parliaments, which treated the effect of the corruption and not the cause, there was another solution that defended against the faction that sought to corrupt Parliament (and therefore the constitution). Since this faction was intimately associated with a constituted power in the state (the Crown), Bolingbroke believed the solution could be found in the strengthening of a second constituted power, the Lords, who constitute a “middle order.” The duty of the Lords to be a “middle order” was in danger of being subverted by ministers of the Crown. It was in the Lords’ own interest to defend the Commons against the Crown, as opposed to the Crown against the Commons, because any loss of power in the Commons reverts to the Crown and bypasses the Lords altogether, putting them in a weaker position. He called upon the “good men” of national parties, the Whigs, Tories, and Dissenters, to join together so that this corruption might be opposed, and the constitutional powers rightfully restored. Bolingbroke argued for party to come to the rescue of party, to “lay aside their groundless distinctions,” and in coalition destroy those factions that are against the constitution.

119 Parties, XIII, 125.
120 Parties, XIV, 140. The mere presence of a middle order was not the solution, however. The middle order had to be a part of a constitution that lodged powers in all three estates in order to be effective. The French constitution was imperfect, for instance, because it lacked an institution for the third estate (or something like the Commons), and so the middle power could not adequately balance the power of the crown. Because of this, Bolingbroke believed that pure forms of government are governments of arbitrary will. They degenerate, but not from a perfected form, since they are corrupted at their founding. They lead to tyranny and, in democracies, to anarchy, principally because they do not have a middle order to balance power in the state. XV, 143.
121 Parties, XIV, 139. Peers are, he writes later, “commoners with coronets on their coat of arms.” XVII, 164. They have the same interests in property as the commons; their rights and privileges are so well defined that there is little interest, indeed almost none, for either estate to invade the other. As such, they would not act offensively against one another, only defensively against the crown.
122 Parties, XIX, 188.
By exposing the methods of corruption engaged in by faction (the Court party), he hoped to reform the vices that existed in government. Thus, it is not only a Dissertation for the national parties, but for factions as well. Men are liable to corruption, especially when led by faction. Like the minister in the story with which he concludes the Dissertation, Bolingbroke wants only to point out this fact so that men can be diligent. It is not necessarily a call-to-arms, but more an edifying tool by way of warning. As sin without repentance brings damnation, so too does unchecked corruption bring the destruction of the constitution. In order to save the soul of the constitution, Bolingbroke lobbied the good men of the national parties to proselytize the principles of the Country party who “must be authorized by the voice of the country [and] formed on principles of common interest.”

Bolingbroke was an important influence upon each thinker in this thesis, yet there remain many differences that set them uniquely apart from his belief in the purpose of party. Indeed, an understanding of this difference is critical to interpreting the change in political thought that occurred on party and principle in the writings of Montesquieu, Hume, and Burke. Whereas Bolingbroke saw continual corruption of party and the subsequent harm done to the national interest when party was set against party, whereas he saw its potential to become singular faction, the thinkers of this thesis saw something different. Because their thought was inclusive of a more robust political principle, they understood that party politics had the potential to maintain political liberty. Bolingbroke sought to recreate a coalition of national parties in order to uproot corruption and ultimately do away with party. Alternatively, the thinkers of this thesis promoted party in order to make them more permanent.

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123 Parties, IV, 37.
Montesquieu was the first to alter this understanding. After observing Parliament for nearly two years, he described the party rivalry as one where, “the hatred between the two parties would endure because it would always be powerless…As these parties are made up of free men, if one party gained too much, the effect of liberty would be to lower it while the citizens would come and raise the other party like hands rescuing the body.”

Implicit in Montesquieu’s observation of Parliament was an understanding that political principle and self-interest were not mutually exclusive. Likewise, Hume would later respond to Bolingbroke in “Of the Independency of Parliament” by explaining that corruption and bribery in all its forms is not contrary to the purpose of Parliament. As Hume believed that the crown was substantially weaker than the Commons he believed, unlike Bolingbroke, that bribery was a necessary method of balancing the two powers. He did not see this as a slippery slope, as Bolingbroke did, because, like Montesquieu, Hume believed that an extra check upon corruption, political principle promoted by party, could regulate the self-interested nature of man.

Bolingbroke’s faith was in the constituted powers of the state, not party. Party was only a means to an end. In contrast, Montesquieu, Hume, and Burke believed that party was useful, especially when it came to regulating the self-interested nature of men. Though the coalition of Whigs and Tories resulted from the common self-interest of “good men,” Bolingbroke saw little point in maintaining party after the Revolution because all of the great divisions had been settled. Conversely, one conclusion of this thesis will assert that each thinker considered party a necessary part

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124 SPL, XIX.27, 325-26. Montesquieu and Bolingbroke were well acquainted, especially while Montesquieu was in England, though in time their relationship gradually dissipated. Nonetheless, the influence The Craftsman had in the development of Montesquieu’s thought is considerable. See Shackleton, 126-30, 298-301. On politicians jumping party lines, see Black, 80-84.

125 Parties, X, 95.
of preventing further great divisions, even though it encouraged smaller ones. Party for these men was not just a means, as it was for Bolingbroke, but an end.

Bolingbroke wanted men involved in politics to be honest and sober, but he did not elaborate upon how they were to be so. To the contrary, the thinkers of this thesis promulgated systems whereby men were inclined to be honest and sober statesmen by appealing to their self-interest, and even on occasion to passions that could be described as base. To keep such passions and interests within bounds, their political principle also included schemes of inequality, education, and ultimately responsibility. A Dutchman turned Englishman, Bernard Mandeville best promoted these ideas.

Mandeville was perhaps the most influential writer on the understanding of political principle in the eighteenth century. It was Mandeville who, in The Fable of the Bees, made the most cogent argument for the use of man’s private vices for public benefit. Vice is in this way conceived as an homage paid to virtue; it is hypocritical, but effective nonetheless. As the combination of party and principle is often neglected when looking at party, so too is the idea of hypocrisy overlooked when asking why it is that self-interested parties and politicians continue to operate within the bounds of politics. This will be taken up in greater detail in the conclusion, but must be prefaced by taking a brief look at Mandeville’s thought on the topic.

As will be argued in the thesis, the permission and employment of man’s self-interest was a critical component to the understanding of governing principle for all three thinkers; much of their thought owes its origin to Mandeville. Three aspects of Mandeville’s thought, highlighted below, are important influences upon each thinker and thus supply constant themes throughout this thesis regarding the relationship
between principle and constitutional government. First, an appeal to vanity was necessary to encourage virtue. Second, a balance of virtue and vice was of more benefit to the public than virtue alone. Finally, a reinterpretation of honor that employed vice and self-interest could be employed in order to keep men ever mindful of their political duties.

Men were not altogether virtuous, especially when left to their own devices, Mandeville argued. An attempt to make a better or more virtuous person by pointing out his or her weaknesses, was as futile as trying to make someone taller by pointing out their height. Human nature was in this way fixed. Instead, if in order to encourage virtue one appealed to a weak person’s vanity, the proper motivation could be found for virtuous actions. According to Mandeville, it was politicians who first discovered this.

The “imaginary Notions that Men may be Virtuous without Self-denial are a vast inlet to Hypocrisy,” Mandeville wrote.\textsuperscript{126} Flatly recognizing the falsity with which he believed virtues and morality to have been created, Mandeville recognized that politicians were forced to coax men into believing that virtue, which was predicated on self-denial, was an ultimate goal for which they would be rewarded. Lawgivers have always tried to make their subjects believe the public interest should be placed ahead of their own personal interest, but as this is an almost impossible task, skillful politicians turned to morality, “to render Men useful to each other as well as tractable.”\textsuperscript{127} Morality thus became a codified version of proper action which men followed for the rewards society bestowed upon moral persons. Mandeville sums up: “the Moral Virtues are the Political Offspring which Flattery begot upon

\textsuperscript{127} Ibid., 47.
Pride.” Men act morally because they seek the rewards of being seen as moral; such actions are hypocritical but as they are motivated by vanity they are politically effective.

Accused by many of his contemporaries of encouraging vice, Mandeville insisted instead that a balance of the two could achieve public benefit.

I am far from encouraging Vice, and think it would be an unspeakable Felicity to a State, if the Sin of Uncleanness could be utterly Banish’d from it; but I am afraid it is impossible: the Passions of some People are too violent to be curb’d by an Law or Precept; and it is Wisdom in all Governments to bear with less Inconveniencies to prevent greater. As vice was a part of human nature, there was no need to directly encourage it. Thus, the action of the politician is one of laissez-faire. Inaction ensures that the appropriate vices will be there to aid virtue for, “the best of virtues want the assistance of the worst of Vices.”

Honor, which is, “nothing else but the good opinion of others,” filled this balance. Though it was a “chimera without Truth or Being, an invention of Moralists and Politicians,” honor employed the passions that Mandeville did not believe could be eliminated: vanity, jealousy, envy, all of which kept men “close to their Duty and Engagements.” The honorable man is obliged to be, “faithful to his Trust, to prefer the publick interest to his own, not to tell lies, nor defraud or wrong any Body, and from others to suffer no Affront, which is a Term of Art for every Action designedly done to undervalue him.” Though the principle of honor curbs self-interest, it does not do away with it. By being so principled, men think more of themselves, not less.

128 Ibid., 51.
129 Ibid., 95.
130 Ibid., 100.
131 Ibid., 63.
132 Ibid., 198.
133 Ibid., 199.
Mandeville was an important influence upon a theme that will run throughout this thesis: honor appropriately harnesses men’s motivation and employs it in political function for ends that benefit the state. Among other ways that are examined in this thesis, the practice of venality demonstrates the way men’s vanity can be checked by their own self-interest; in this case, the desire for institutional honor: “When a Gentleman is made a Baron or an Earl, it is a Great Check upon him in many Respects, as a Gown and Cassock are to a young Student that has been newly taken into Orders.”¹³⁴ No other virtue, Mandeville argued, has been as useful to the civilizing of mankind as honor. Without the use of honor in political society men, “would soon degenerate into cruel Villains and treacherous Slaves.”¹³⁵

**Plan**

The second chapter, “Honor is a Virtue: the benefits of prejudice,” will examine Montesquieu’s thought on the principles of honor and virtue and their political relationship with faction in the state, found principally in *The Spirit of the Laws*. Without extinguishing either, Montesquieu sought to discover which principle could best contribute to the proper balance between liberty and equality, that would allow for independence but not license, and that would encourage ambition and reward talent but limit the usurpation of power. It was honor, Montesquieu concluded, that could best secure such aims.

The third chapter, “The Practical Side of Party Politics,” will examine David Hume’s understanding of principle and party politics, and is drawn mainly from the *Essays Moral, Political, and Literary*. By tracing his concept of “justice” and looking at his thoughts on the origin of government, the chapter demonstrates that Hume

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¹³⁴ Ibid., 221.
¹³⁵ Ibid., 218-19.
recognized the utility and the necessity of both principle and party, even though he
denied the authority of their existence outside of their utility. Influenced heavily by
his observations of English politics, Hume’s understanding of faction reflected the
reality of human nature as he saw it. Instead of changing human nature, he sought to
incorporate into his “ideal commonwealth” all the passions that could be used for
political purposes, including the natural passions of jealousy, spite, or intrigue. In this
way, faction was regulated even though self-interest was permitted as a political
motivation.

The fourth chapter, “A Prudent Party for Remarkable Men,” will examine how
the ideas of principle and party informed Burke’s understanding of legitimate
resistance to the sovereign authority. Of the three, Burke’s thought on party and
principle remains the most recognizable today. Imbedded in party politics himself, he
became a champion for its continued presence in constitutional government. The
fourth chapter argues that the reason for this is not as evident as first appears, but it
has everything to do with the maintenance of political principle and, as a result,
political liberty. Burke found a better, more proficient vehicle than man to embody
principle in government.

It is an inherent irony of politics that extraordinary political moments receive
much more time and attention than do the ordinary ones. The outbreak of war, the
welcome peace: if an issue’s importance is measured by studies dedicated to it, then
neither are lacking in importance. But, what about limited political strife within the
bounds of a single political body? Indeed, this is the only situation where a party
system can arise and be tolerated, but it remains an uncomfortable concept for us to
accept. Not only are we, in accepting the existence of party strife, admitting that
political truths will not be agreed upon, we are admitting that the body politic can never be made whole. It is the equivalent of being politically agnostic, or at worst, atheistic. Though party as singular faction is almost always involved in extraordinary political change, principled faction, or party, operates in the realm of, and maintains, the ordinary. That being said, this thesis will attempt to find the extraordinary in the ordinary, as Montesquieu, Hume, and Burke all did.

This thesis has all the beginnings of a great joke. It *should* be funny: a Frenchman, a Scot, and an Irishman: if only they had walked into a bar together! What follows is the punch line, unfortunately. At the least, I hope it entertains and manages, every now and then, to provoke a novel thought.
2 § Honor is a Virtue: the benefits of prejudice

You could say that it is like the system of the universe, where there is a force constantly repelling all bodies from the center and a force of gravitation attracting them to it. Honor makes all the parts of the body politic move; its very action binds them, and each person works for the common good, believing he works for his individual interests.136

The Spirit of the Laws was written to be an enduring treatise. It was, Montesquieu believed, a survey without precedent concerning the historical relation of the law among and between different peoples. Yet, he was not so foolish as to believe the work to be ultimate and definitive. As stated in the conclusion of his eleventh book of The Spirit of the Laws, Montesquieu’s purpose in writing the work was to make men think and to do so in new ways. In the preface to the last edition of The Spirit of the Laws, Montesquieu included the phrase from Ovid, “an offspring without a mother.” He did not consider his ideas entirely new, though he did consider its composition to be original. His successors would agree. As Pierre Manent points out, if political philosophy starts from the viewpoint of the actor and sociology starts from the viewpoint of the spectator, then Montesquieu could be said to have been the first sociologist.137 Likewise, Emile Durkheim would claim that The Spirit of the

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136 SPL, III.7, 27.
Laws laid down the principles of sociology. All told, the work took twenty years to complete and resulted in what a renowned twentieth-century thinker would term a “distinctive political theory that was unlike any of its predecessors.”

As Melvin Richter notes, Montesquieu sought to explain how the causes of legal, political and social phenomena could be explained while retaining a rational basis for condemning certain government forms or government practices as well as certain social and religious practices. The perspectives and explanations he generated, though overlapping and sometimes contradictory, allowed him to take social and political approaches toward men and groups that were otherwise antagonistic. The novelty of this task is perhaps why Montesquieu is better remembered for whom he influenced than by whom he was influenced.

He was, overall, a man apart: an aristocrat, an historian, a wine merchant, a well-seasoned traveler. He was learned though not connected with any university, extensively traveled with the wealth and connections that his position afforded him, and a practiced magistrate who knew full well the laws and their effects upon men. All the same, he was an observer and not a man of action. It is interesting to note that Montesquieu effectively resigned from public life at the age of thirty-six; he would not publish *The Spirit of the Laws* until he was fifty-seven. As Albert Sorel points out, there have been few thinkers who have had such an impact on their century as Montesquieu did, without having been directly involved in the affairs that defined

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140 Richter, 8-9.

141 In 1714, Montesquieu inherited the noble title of La Brède, a barony, from his mother who passed away when he was only seven. Two years later, in 1716, he inherited the title of Montesquieu, also a barony, ceded to him by his paternal uncle upon his death in 1715. Along with the title, he was left his uncle’s considerable fortune, as well as the position of président à mortier, one of nine judges in the parlement de Guyenne in Bordeaux.
Within half a century after his death in 1755, Montesquieu’s thought helped to shape two very different revolutions. In 1787 and 1789, he was more than an inspiration to the “founding fathers” of the United States and the Revolutionary citoyens of France – he was the cited authority. As the world changed and government was redefined, it was Montesquieu who, first and foremost, “served as a bridge between a traditional and a modern idea of constitutional government.”

The literature dealing with Montesquieu’s principles of government is abundant, in particular concerning honor and virtue (while leaving aside his third principle, fear), though it remains surprisingly analogous in form and, more importantly, conclusion. The vast majority concludes with Montesquieu’s preference for honor, and there are a few who conclude otherwise. While this could be seen as a gap in the literature, and is indeed tempting to see it as such, it is also testament to the strength of the argument which runs vaguely along similar lines. That is, Montesquieu had an early preference for classical virtue but he had concluded that the age of virtuous republics was over, and his voyages in Europe, prior to and influential upon The Spirit of the Laws, proved as much. The system of honor was the only abstract principle (for certainly there were other motivating principles as demonstrated by his examination of English qualities of character) that could preserve political liberty in the contemporary world.

Most commentators stipulate that true virtue was harder to establish in its most effective form (VIII.3), and too often gave rise to extreme forms of virtue that inevitably led to the despotism of one alone. Conversely, however, Nannerl Keohane interprets Montesquieu as adapting a secular version of Christian charity, and from

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142 Albert Sorel, Montesquieu (Paris: Coulommiers, 1887), 10.
143 Shklar, Montesquieu, 111.
there goes on to state Montesquieu’s preference for the classics and classical virtue. Concerning the principle of monarchies, Keohane describes honor as *amour-propre* turned into a virtue via an all-encompassing education of the subjects of modern monarchy. She rightly describes honor as self-seeking, yet neglects Montesquieu’s bi-fold classification of honor into true and false honor. In particular, Keohane neglects Montesquieu’s description of true honor, or honor that is self-confident but not self-righteous. Indeed, Keohane sees Montesquieu as backward looking and as a result mistakenly glosses over his conviction of legislative and constitutional progress, and the role that honor was to play in that progress.

Like Keohane, Robert Shackleton highlights Montesquieu’s early preference for the notion of republican virtue which he took from his readings of the ancient world. Shackleton, however, traces Montesquieu’s thought on virtue and honor from the *Persian Letters* to *The Spirit of the Laws*, noting in particular his disillusionment with republican virtue as a result of his travels in the republics of eighteenth-century Italy and Holland. Unlike Keohane, Shackleton rightly concludes that Montesquieu considered virtuous republics a thing of the past.

More emphatically, Pierre Manent calls Montesquieu’s idea of virtue “a fiction” and does not take him at his word that in speaking of virtue he means “political virtue.” Instead, Montesquieu’s virtue, “draws its force and its meaning from the spent force of two traditions, ancient and Christian.” The common denominator for these two types of virtue was “obedience to a rule that mortifies the

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145 Shackleton, 272-77. As for the similarities between Usbek, the main character in the *Persian Letters*, and Montesquieu himself go, it remains enough to say that it is highly probable the author’s experience in Paris as a young lawyer tarnished his idea of the existence of virtue; this same disillusionment caused Usbek to create enemies and thus leave Persia. Cf. *Letters*, 8.
146 Manent, *The City of Man*, 27.
passions." After arguing that Montesquieu was the first modern thinker, Manent argues that honor could not have been the principle that Montesquieu admired—like virtue, it too was outdated. The modern principle that he desired for modern regimes was a mix of honor and commercial self-interest. Though Montesquieu may have appreciated the principles behind the English constitution, Manent neglects two aspects of this appreciation. First, honor as a principle has more to do with institutional resistance within a constitution than do the mixed principles of England. Honor is, and has been, constitutionally established. It suggests permanence and reinforces law. Even though the English principles maintain an undeniable influence within the constitution, they were by and large untested. Second, when Manent claims that Montesquieu is being intentionally redundant with “good man” and “good citizen,” he too neglects the intention of a political actor and the ends achieved, or the difference between true and false honor that Montesquieu recognized was an important aspect to understanding modern men.

Harvey Mansfield supposes that Montesquieu’s concept of virtue was intentionally utopian while his description of the principle of honor is genuine and suitable to contemporary Europe. Montesquieu’s philosophy is, “embodied in an interpretation of institutions and laws found in actual regimes, not philosophical utopias.” Mansfield interprets Montesquieu as believing that passions and fears are more fundamental to human action than reason and gratitude. Contrary to Hobbes and Locke, according to Mansfield, Montesquieu focuses on the opinions about our fears concerning security. Montesquieu’s starting point is thus rooted in human nature, and he constructs his theory of government from what that human nature can

147 Ibid., 26.
148 Ibid., 22.
tell us. Continually disparaging of Montesquieu’s concept of virtue, Mansfield concludes that classical virtue cannot establish a ground in reason, whereas modern freedom cannot find a ground in nature.\textsuperscript{150} Mansfield highlights book XI, chapter 6 of \textit{The Spirit of the Laws}, where Montesquieu ascribes to the House of Lords the ability to defend the judicial power, and rightly notes that the judiciary should have a “faculty of preventing” rather than a “faculty of enacting.”\textsuperscript{151} For Mansfield, Montesquieu’s aristocratic honor finds a distinct role in government through the power of judging where honor operates as a defensive political mechanism in a mixed form of government (England); this is essentially a precursor to \textit{Federalist} #47, and is later picked up by other commentators such as Michael Mosher, Sharon Krause, and most notably Paul Carrese.

Sharon Krause, borrowing strongly from Mansfield, in particular concerning a negative interpretation of virtue, begins her analysis of Montesquieu’s principles with a fundamental assumption that restlessness and internal division mark all free governments.\textsuperscript{152} When joined with the Montesquieuan belief that all men will try to increase their own power, Krause seeks to explain why Montesquieu would promote his version of a free government (where faction is allowed) when internal division and faction inevitably lead to the usurpation of power. These two assumptions appear to contradict one another: if faction leads to the usurpation of power, how can the government be free? The answer lies in the principle of monarchical government, honor, and Krause rightly takes Montesquieu to his logical conclusion that honor, “can animate actions that self-interest, at least conventionally conceived, never would allow, including actions that put one’s life in jeopardy in the name of principled

\footnotesize{\textsuperscript{150} Ibid., 222.  \\
\textsuperscript{151} Harvey C. Mansfield, \textit{America’s Constitutional Soul} (Baltimore: The Johns Hopkins University Press, 1993), 120.  \\
\textsuperscript{152} This is understandably so as Mansfield was her PhD supervisor.}
ends. "

Unlike Keohane, Krause argues that honor, as Montesquieu described it, was false because, philosophically speaking, it does not suppose perfect virtue or seek to directly benefit the community. Regardless, Krause is right to point out that false honor is not corrupt honor.  

Thomas Pangle (like Krause and Mansfield, a Straussian) in his book Montesquieu’s Philosophy of Liberalism, notes that Montesquieu’s notion of virtue is subordinated to freedom because virtue can be misled by passion. For Pangle, Montesquieu’s classical virtue is a means to the end of liberty as self-rule. Though in stating this Pangle neglects the inherent danger of subordinating the self to the general welfare of the community, a topic which will be examined in greater detail later in the chapter. Like Mansfield and Krause, Pangle also finds Montesquieu’s classical virtue outdated, and argues that virtue has a powerful tendency to fill the void left by its outdated nature with acts of aggression, which in turn can change a democratic people into a despotic empire. 

Without first forming a preference for honor or virtue and displaying its utility or uselessness, as the above have done, commentators such as David Carrithers, Mark Hulliung and Michael Mosher, focus on aspects that are commonly neglected in the literature on Montesquieu’s understanding of honor and virtue. In the end, however, all three demonstrate Montesquieu’s preference for honor. For instance, Mark Hulliung takes a more historically minded approach by placing Montesquieu within an historical framework and interpreting his thought as a result of, even a reaction against, contemporary French politics whereupon honor was paramount to all political

156 Ibid., 88.
action and inaction within the state. Hulliung goes so far as to point out the different
effects that honor can have on various social classes, and concludes that its effect is
one that reinforces the liberty provided by the code of honor.\footnote{Hulliung, 108-117.}

David Carrithers analyzes virtue and honor via the principles that animate
aristocratic republics, a point of view that has been largely ignored. Carrithers points
out that Montesquieu did, in fact, hold a higher opinion of monarchical government
than of republics, particularly adapted to modern conditions, though in the end
Carrithers offers a view that is quite conciliatory of the two principles, virtue and
honor. Analyzing aristocratic republics, Carrithers demonstrates that Montesquieu’s
conception of virtue is in fact still pragmatic (indeed, Montesquieu calls it
moderation), though it serves largely to maintain a regime from within. Nonetheless,
Carrithers emphasizes Montesquieu’s subtle preference for honor. Carrithers suggests
that by appearing to be more virtuous without being less honorable, the aristocracy
can better maintain the stability of their rule.\footnote{David W. Carrithers, “Not So Virtuous Republics: Montesquieu, Venice, and the Theory of

Like Hulliung, Michael Mosher also traces the lineage of Montesquieu’s
conception of honor, though his level of analysis runs much deeper into French and
Franco-Roman history than just the contemporary politics of Montesquieu’s day.\footnote{Michael A. Mosher, “Monarchy’s Paradox: Honor in the Face of Sovereign Power,” in
\textit{Montesquieu’s Science of Politics}, eds. David W. Carrithers, Michael A. Mosher & Paul A. Rahe (New
In doing so Mosher highlights the more distant historical conventions from which
Montesquieu borrowed in order to explicate the development and function of honor in
his philosophy. In particular, Mosher emphasizes the singular nature of
Montesquieu’s code of honor, originating initially at the level of the individual group
but later developing for the individual actor as well. Such a singular perspective, or
custom of independence, allowed for an altered epistemological perspective that changed the group’s, and later the individual’s, relationship to figures of authority; such a conception of honor is also shared by Krause. Moreover, Mosher examines an area of Montesquieu’s thought that is often overlooked, namely how honor is critical to sovereignty, and how both are intimately linked to the idea of prerogative. A point also taken up by Keohane and Mansfield, Mosher demonstrates that by not abusing his power, the monarch increases the faith his subjects have in him, giving the nobility no need or want to exercise their right of remonstrance or even defiance against the king. In this way, Mosher demonstrates not only how honor can be positively exercised, but also how honor can maintain a system by not acting.

The suggestion in the title of this chapter begs the question, how can thinking more of yourself benefit others? Indeed, this is what the chapter will seek to answer. It will demonstrate that for Montesquieu, honor as a quality of character was a virtue, but virtue as a quality of character was outdated. This conclusion has important results for Montesquieu’s political philosophy, and these results are the point of this chapter: faction motivated by virtue destroyed political liberty, but faction motivated by honor maintained it.

This chapter will further engage in the debate centered on Montesquieu’s principles of government, discussed below, but will deviate slightly by examining the connection concerning the governing principles of moderate regimes given by Montesquieu, virtue and honor, and the historical stability of the state as it relates to faction. That said, before examining the contemporary scholarship out of which the argument of this chapter establishes itself, it is necessary to show how Montesquieu
establishes both principles, virtue and honor, in relation the structure of the government which they motivate.

In the first chapter of the second book, Montesquieu establishes his three-fold system of government by stating three facts:

*republican government is that in which the people as a body, or only a part of the people, have sovereign power; monarchical government is that in which one alone governs, but by fixed and established laws; whereas, in despotic government, one alone, without law and without rule, draws everything along by his will and his caprices.*

For Montesquieu, there existed a difference between the nature of the government and its principle: “its nature is that which makes it what it is, and its principle, that which makes it act. The one is its particular structure, and the other is the human passions that it set in motion.”

Montesquieu asserted that the nature of the government does not always necessitate its principle, nor does its principle necessarily carry along with it its respective nature, but the two are intimately related since the bodies of the state could not operate without the quality of character which motivates them.

Montesquieu not only categorizes government according to the location of political power, or the number of individuals who yield it, but elaborates by emphasizing how that power is exercised. He does not make an initial division between aristocracy and democracy, for instance, which differ in the location of power. Monarchy and despotism are separated even though the locus of power is nearly identical. Constitutionally, the details may be the same among governments, as in a monarchy and a despotism, but the differentiation of the two becomes evident in the policies of those who wield power, i.e. in the action of the government, and the

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160 SPL, II.1, 10.
161 SPL, III.6, 21. Cf. *Laws* 631b-632d, 705d-706a, and specifically 713. Here Plato remarks that regimes take the form of those who control them. Montesquieu and Plato collide at this point concerning despotism, since despotism always necessitates its principle, viz., fear.
reaction of the bodies that compose the state. Indeed, the principles of the government (virtue, honor, and fear) are the motivations for this action and reaction.

Though Montesquieu had a great difficulty in fully explaining the principle of virtue, as he understood it, he described it in *The Spirit of the Laws* as “a very simple thing.” “It is love of the republic,” he continues, “it is a feeling and not a result of knowledge. The lowest man in the state, like the first, can have this feeling.”

Virtue, like honor, is a feeling that is greater than the individual who feels it, but unlike honor, virtue causes that individual to love the community more than he would love himself for there is no self without the community. On the other hand, honor, the principle of monarchies, “is the prejudice of each person and each condition.” Here, “one will rarely find someone who is a good man; for, in order to be a good man, one must have the intention of being one and love the state less for oneself than for itself.”

The honorable man is an individual (indeed, he is what his station dictates he be) before he is a part of anything bigger, such as a community.

Both honor and virtue, as principles of government, do not define the very nature of the government for Montesquieu, as they do, for instance, for Aristotle. Montesquieu considered them to be derivative of the nature of the government, though this is a general rule capable of exception and not a fact. Virtuous princes could exist. Montesquieu had “followed all the histories,” he explained, “I know very well that virtuous princes are not rare, but I say that in a monarchy it is very difficult for the people to be virtuous.”

162 Using Montesquieu’s logic one could, in theory, imagine an honorable republic or a virtuous monarchy, but an honorable or virtuous despotism would not be a despotism, it would be a monarchy motivated by honor or virtue, as despotisms can only be motivated by fear. Cf. Shackleton, 266.
163 SPL, V.2, 42.
164 SPL, III.6, 26.
165 Aristotle, *Politics*, 1280a34-81a2, and on the middling status defining and reinforcing the nature of the government by its principles, see 1295b1-12.
166 SPL, III.5, 25.
longer the way of life that is engendered by the constitution; the way of life
engendered by that principle does not take precedence over the structure. Rather, it is
the extent to which the two in tandem can produce political liberty. The purpose of
Montesquieu’s moderate government, those governments who have as their principle
either honor or virtue, is the creation of political liberty. Yet, the arrangement of
the correct principle with the correct nature, “is a masterpiece of legislation that
chance rarely produces and prudence is rarely allowed to produce.”

In a related manner, Montesquieu asserted the importance of the individual
over the polis. Accordingly, each moderate governing principle relates to the way in
which the individual can obtain political liberty according to his or her own opinion
of personal security. Even as virtue pertains to the individual subordinating his or her
interests to the whole, this is only as a means to the end of individual political liberty.
Its measure of success is the extent to which such an end can be achieved through the
conduits of virtue as a governing principle, and the same applies for honor.

Political liberty might be the end of moderate government, but what about the
justice of it all? Justice remains a term that, for some, Montesquieu does not
sufficiently define. A brief examination of his thought upon it can help to better
illustrate the relationship between his principles of government and other, more
familiar, virtues. For instance, he refuses to assign it an aesthetic value, such as
beautiful, good, noble or great; all terms which are merely, as Montesquieu puts it,
“attributes of objects…relative to the thinkers who consider them.” “Justice” in the
first book of *The Spirit of the Laws* is put forth as *a priori* and is at this point

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167 Pangle, 49.
168 SPL, V.14, 63.
169 Hulliung, 111-115.
170 Pensée 410. All pensées quoted in this chapter correspond to the Pléiade edition found in
seemingly an anomaly, and increasingly so as the reader treads further. Unlike the other laws, “justice” does not contain any empirical evidence in order to take it as a given. Rather, it exists just as the radii of a circle were equal even before the circle was drawn (I.1). As a result, it’s meaning seems incomprehensible in a system of a posteriori law. This is an anomaly, yes, but an anomaly that is cleared by the discovery of its purpose. That is, justice must exist in order to functionally dispel the notion that whatever is, is right.\footnote{Cf. Hullung, 108-117; 174.}

Montesquieu describes justice much earlier in the Persian Letters as a “relation of suitability, which actually exists between two things.” Men, “do not see these relationships all the time,” and even when they do they turn away from them. What they choose to see instead “is always their self-interest.” Men commit unjust acts because they reason (rightfully) that it is in their self-interest to do so, not because they are gratuitous. Justice, however, should instruct men to realign their reason and see what is in their ultimate self-interest, though its hold on men is tenuous at best. The hold it has on men is ascribed to God, who is perfect, and “does not depend on human conventions.”\footnote{Letters, 83, 162. Hume would adopt a similar understanding of justice, as will be shown in the following chapter.} Even if one does not believe in God, Usbek argues, it should still be believed for the good it does men in society. This anti-Hobbesian Letter attempts to dispel the myth of not only whatever is, is right, but also the myth of the right of the strongest.

A more practical way of explaining justice is to consider it as a virtue. Most virtues, such as friendship or love of country, have particular rapports to virtue. Justice, as such, is a general rapport, and all the virtues which destroy this rapport are
not virtues, as Montesquieu confided in a *pensée*. Therefore, justice as a meta-virtue is above all other particular virtues. Montesquieu believed in and appreciated the possibilities that were open to men if they could see above the (hypocritical and bigoted) particular to the general, concerning “humanity” in its broadest terms. Nevertheless, there is a caveat. Rather than espouse general or *a priori* theories of right that had no foundation in human society, Montesquieu looked to the level of the particular concerning theories of right (including religious right and morality), law, and established constitutional bodies (along with their subsequent histories) in order to defend a system of government that provided political liberty. As will be argued below, liberty is better protected under the weight of established law and historical practices from the propensity of the self-interested desire for power that will, inevitably, override abstract, theoretical and somewhat contradictory principles of government.

Honor and virtue were both accepted codes of justice for Montesquieu since they maintained all the other virtues that led to political liberty. The difference in potential between the two, however, underscores Montesquieu’s preference for honor. Montesquieu believed that humanity came before citizenship; while honor permits this ordering of things, virtue, especially classical virtue, is hostile to the very belief that man is an individual before he is a citizen. Honor, on the other hand, maintains liberty as either “true” or “false” honor; the difference here between “true” and “false” was one of sincerity and not substance, for they both shared the same end though not deliberately the same means.

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173 *Pensée* 1008, “Nearly all the virtues have a particular rapport from one individual man to another; for example: friendship, love of the homeland, and pity are all particular rapports. But, justice is a general rapport. Now, all the virtues which destroy this general rapport are not virtues.”

174 *Pensée* 741, 1268.

175 Shklar, *Montesquieu*, 74. Cf. *pensée* 350: “If I knew one thing useful for my nation that would prove to be ruinous to another, I would not propose it to my prince, because I am human before I am French (or even) because I am, undeniably human, and because I am French only by chance.”
Why are principles so essential to the maintenance and balance of power in a constitution? Book VIII, beginning with the chapter entitled, “On the Corruption of the Principles of the Three Governments,” gives the reader a start. “The corruption of each government,” Montesquieu writes, “almost always begins with that of its principles.” So it is to the principle that one must look in order to discover how and why a government is corrupted. However, as despotism is already by its nature corrupted (VIII.10), the principles which motivate moderate governments, virtue and honor, must be examined in order to see how political liberty is both preserved and lost. That said, this chapter will begin first with an analysis of Montesquieu’s conception of virtue and demonstrate that since it has historically given rise to extremism, most often leading to the despotism of one alone, it has become a contradictory and obsolete principle. Republics, by their definition, dissolve private interest and encourage a single general will. In the abstract, this form of government is altogether antithetical to faction since all virtuous citizens put the common good ahead of their private interests. In practice, of course, no form of government, where the public interest took precedence over all private interests without interference from private concerns, has ever existed. A dissonance would resonate from the conflict between the theory of virtue and the reality of its practice. The first section of this chapter will examine this dissonance.

On the other hand, the principle of honor explicitly permits private interests within the state, so long as they do not interfere with recognized prerogatives. Since honor is really a prejudice encouraging self-interest rather than self-renunciation (as virtue does), it is a more stable quality of character. What’s more, honor has

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176 SPL, VIII.1, 112.
historically established itself within the constitution of European monarchies as a noble resistance to the abuse of power, most notably within the French and English constitutions, though it has been better maintained within the latter. How Montesquieu comes to these conclusions concerning honor will be examined in the second section. For now, let us examine Montesquieu’s assessment of virtue.

_Virtue_

In speaking of virtue, Montesquieu was describing *political* virtue, not to be confused with *Christian* or *pagan* virtue, though it could be argued that his form of virtue is a substitution for Christian charity, as discussed above. In fact, Nannerl Keohane argues that Montesquieu’s conception of virtue is, “a secular version of Christian charity itself.”

For obvious reasons, Montesquieu could not highlight virtue’s incompatibility with Christianity, and so this conclusion may be a bit exaggerated, though he would have been wise to make them appear similar enough so as not to draw the direct censorship of the state authority.

Montesquieu had difficulty explaining exactly what he meant, even though the description is rather clear in *The Spirit of the Laws* as to what virtue is, and what it is not (III.3-6, IV.5, V.2-3, VIII.2). Specific definitions laid out in the work sometimes contradict one another, especially as seen by ecclesiastics who were less willing to accept a theory of virtue outside of Christian virtue. Montesquieu was forced continually to redefine a term that for all intents and purposes applied equally to the ancient Greeks, just as much as it did to contemporary monastic orders. For instance, after remarking that in

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177 Keohane, 416. For the inverse to this argument see Manent, _The City of Man_, ch. 1.

178 *The Spirit of the Laws* would eventually be put on the Index of Forbidden Books in late 1751, three years after its initial publication, principally due to the influence of ecclesiastics such as La Roche (editor of the Jansenist journal, *Nouvelles Écclésiastiques*) who reasoned that since monarchies did not require virtue, the good citizen of a monarchy could not be a good Christian. On this see Andrew J. Lynch, “Montesquieu and the Ecclesiastical Critics of L’Esprit Des Lois,” _Journal of the History of Ideas_ Vol. 38, No. 3 (Jul.-Sep., 1977), 489.
a monarchy it is very difficult for the people to be virtuous, Montesquieu reveals in a footnote, “I speak here about political virtue, which is moral virtue in the sense that it points toward the general good, very little about individual moral virtues, and not at all about that virtue which relates its revealed truths,” and then goes on to tell the reader that, “this will be seen in book 5, chap. 2,” where he presents his most clear and concise definition.179

Montesquieu’s own clarifications before and after the work’s publication further illustrate the difficulty he had in explaining his understanding of virtue. He was not trying to give virtue a more complicated or complex definition, but the opposite. He sought to define new words, or redefine old words, in order to fit his new ideas. Most of all, however, he wanted the reader to understand how he conceived of virtue, as it pertained to the character of man and its relation to government, and outside of the dominant discourses to which the reader would have been accustomed, principal among such discourses being religion. Montesquieu included an avertissement, preceding the preface to The Spirit of the Laws, in order to enlighten his readers as to how he conceived of the word “virtue” itself, even though he would supply very nearly the same message later on in the work (III.5). In the avertissement, Montesquieu clarified, “what I call virtue in a republic is love of the country, that is to say love of equality. It is not a moral virtue, nor a Christian virtue, it is political virtue.”180 It is significant, and highlights Montesquieu’s concern about being misunderstood, that he would attempt to define virtue twice outside of the main body of the text before his own referenced (albeit footnoted) definition found in the fifth book. Montesquieu did not stop there: even after the work was published, he

179 SPL, III.5, 25.
180 Montesquieu, “Avertissement de l’Auteur,” in Oeuvres complètes de Montesquieu II, ed. Roger Caillois (Paris: Bibliothèque de la Pléiade, 1951), 227; the Oeuvres complètes will referred to in this thesis as the O.C., though differentiated by volume number. Translation mine, emphasis author’s. This distinction is reiterated in SPL, III.5:n9, IV.5, and V.2.
explained in an éclaircissement designed to placate his critics that he linguistically defined the word “virtue” as something more complex than what one person may suppose in a single language signifying one particular object or action. It is, in fact, “that which precedes, or that which follows the word, which fixes the signification of it.”

Though Montesquieu had difficulty in pronouncing clearly his conception of virtue exactly as he understood it, it remains a fundamental aspect of his political thought and cannot be reduced or overlooked simply because his thought seems convoluted, contradictory, or at times both. In his Pensées, Montesquieu provides the researcher a glimpse into his personal convictions. Concerning virtue, he wrote: “Nothing is closer to divine Providence than that general benevolence and grand capacity for loving that embraces all men; and nothing is closer to the instincts of beasts than the limits the heart puts upon itself when it is concerned only with its own self-interest.” In The Spirit of the Laws, Montesquieu explicitly states that, “the natural place of virtue is with liberty.” Noting the two preceding quotes, it would seem natural that such liberal convictions would dictate his political thought, but this turns out not to be the case.

Montesquieu believed that history had surpassed virtue as a quality of character, and that new institutions had been formed around new and more self-interested motivations. Virtue, as a contemporary governing principle was itself contradictory and thus obsolete; this is a conclusion which helps to better explain why Montesquieu himself has such difficulty justifying virtue for contemporary government. Montesquieu had decided as much already in the Considerations where

182 Pensée 938.
he derided the indifference of contemporary republicans, which was no better than the tyranny of a prince.

The advantage of a free state is that revenues are better administered in it. But what if they are more poorly administered? The advantage of a free state is that there are no favorites in it. But when that is not the case – when it is necessary to line the pockets of the friends and relatives, not of a prince, but of all those who participate in the government – all is lost. There is greater danger in the laws being evaded in a free state than in their being violated by a prince, for a prince is always the foremost citizen of his state, and has more interest in preserving it than anyone else.\textsuperscript{184}

Montesquieu’s analysis of virtue is fraught with a sense of overriding pessimism, evident throughout \textit{The Spirit of the Laws}. The section below will seek to examine that pessimism in \textit{The Spirit of the Laws} in order to demonstrate that the role virtue played in it was one of critical importance, for it served to highlight the strengths and shortcomings of Montesquieu’s other governing principle of moderate regimes, honor.

Montesquieu explains in book V that, “virtue, in a republic, is a very simple thing: it is love of the republic” (\textit{l’amour de la patrie}), which translates as both a love of equality and frugality, arising from a shared love of public life (V.2-3). It is a love of the state that is stronger than self-love (\textit{amour-propre}). In a republic, individual happiness does not come from the individual himself but rather from the happiness of the whole. Virtue seeks to elevate human nature from the murky depths of self-interest and vanity to a higher level of being where collective interest supports the republic. Virtue neither discriminates nor distinguishes among citizens (unlike honor) since, “the lowest man in the state, like the first, can have this feeling.”\textsuperscript{185} Here


\textsuperscript{185} SPL, V.2, 42.
Montesquieu makes a distinction: citizens of lower birth (including *honnête gens*) can adhere better to virtue when combined with good maxims, than they can to honor.\(^\text{186}\)

Since virtue does not distinguish or encourage individual passions, it gives stronger inclinations to the general order, to which are included most or all of the subjects of a state, and not just a select few, as with honor. Such inclinations, however, can vary towards the extreme and in this lies its inherent difficulty. After all, political virtue is, “a renunciation of oneself, which is always a very painful thing.”\(^\text{187}\) Its adoption required an austerity of spirit with a strict adherence to the general order, both of which Montesquieu recognized went against man’s natural passions and were extremely difficult to maintain. Indeed virtue, for Montesquieu, was increasingly utopian in an historical sense, and seemed to give rise to more difficulties than solutions among contemporary states.

The closest parallel Montesquieu could find to classical virtue was the regime one found in monasteries. Here, the more individual passions are suppressed, the more the individual will give himself up to passions for the general order. For instance, Montesquieu asks, “why do monks love their order?” It is because they love that which deprives them of all ordinary passions. “The more austere it is, that is, the more it curtails their inclinations, the more force it gives to those that remain.”\(^\text{188}\) What remains are the passions that give rise to extreme virtue – passions which are, in the end, in vain because they negate the end which justifies them by not allowing for the self-fulfillment sought out by one’s virtuous self-renunciation. Montesquieu changes virtue from an end to a means, “from the end for which the republic should

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\(^{186}\) Ibid. In the eighteenth century an *honnête homme* referred to a gentleman who was of noble and courtly manner but was not so by birth.

\(^{187}\) SPL, IV.5, 35.

\(^{188}\) SPL, V.2, 43.
be maintained to the means of maintaining it.”

Montesquieu’s virtue is “not founded on the mastery of the passions by reason, but rather on the absorption of the passionate energy of the passions by and in a unique passion…It is thus the love of a rule that oppresses and even ‘afflicts.’” In order for the virtuous man to satisfy his original desire for self-fulfillment, he must disavow his individual passions for the interests of the whole. The virtuous man gives up individual and seemingly capricious desires for the promise of something bigger, better and more self-fulfilling; yet all that remains after he and those like him have given up so much of themselves, “is the passion for the very rule that afflicts them.”

All of the passions for whatever virtues may have existed previously are now channeled into the one passion of self-renunciation and ultimately a love of the order that represses them.

Interestingly, in the third book of The Spirit of the Laws in a chapter entitled “On the principle of democracy,” more time is spent explaining how faction has historically corrupted virtue (III.3), than how virtue can withstand faction (IV.5). As will be explained below, extreme forms of virtue can easily surpass rational notions of equality and frugality, which are the two principal components that constitute virtue as a principle of government. Though equality is often seen to have a homogenizing effect, it can also engender respect for difference. By its very nature, virtue accords itself to the persuasion of the majority. Thus, it typically does not have a constitutional restraint, but if any restraint has been broken, virtue can be employed in

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189 Mansfield, Taming the Prince, 226.
190 Manent, The City of Man, 24.
191 SPL, V.2, 43. Montesquieu’s characterization of eunuchs in the Persian Letters is an early version of this type of extreme virtue. See, for example, Letters, 9, 41, 64, and 96. Referring directly to the virtue practiced by monks who make vows of perpetual chastity, Usbek later writes, “I cannot understand it, not knowing what sort of virtue it is that produces nothing.” Letters, 117, 211.
achieving extreme equality, something which inevitably nullifies the respect for
minority interests, destroys the constitution, and leads to the tyranny of one alone
(VIII.3). As a principal weakness of democracies, unrestrained faction can and will
manipulate virtue towards its own ends.

After the “fundamental laws,” such as equality or the right to vote (V.5; II.2),
the laws of education are the most important in a republic. After all, it is, “in
republican government that the full power of education is needed.” Education in a
republic aims to curb the natural inclinations towards oneself and to identify and
marry, as far as is possible, the love of the homeland with the love of self. Since the
success of the republic depends on the extent to which each individual can
subordinate his or her own interests to that of the whole, republics live or die by the
effectiveness of their education.

Though education played a large role in the effectiveness of virtue in a
republic, its success was historically diminished. As noted above, Montesquieu sets
his conception of virtue apart from other definitions, particularly those of the classics.
He believed there existed a significant difference between Greek or Roman virtue and
modern virtue, the former of which served to highlight a disadvantage of the latter. In
the fourth chapter of book IV, Montesquieu remarks that the education of the classics
had the advantage of never being contradicted:

Today we receive three different or opposing educations: that of our
fathers, that of our schoolmasters, and that of the world. What we are
told by the last upsets all the ideas of the first two. This comes partly
from the opposition there is for us between the ties of religion and
those of the world, a thing unknown among the ancients.\textsuperscript{194}

\textsuperscript{192} Cf. Letters, 85, where Montesquieu explains the disastrous consequences that extreme religious
virtue can pose to minorities, and as a result to the welfare of the state.
\textsuperscript{193} SPL, IV.5, 35.
\textsuperscript{194} SPL, IV.4, 35.
Though virtue remained a motivating principle, collective virtue seemed to be a thing of the past. Unlike the ancients, modern virtue is, in a way, confused by contradictory moral standards. For the ancients, however, collective virtue was the moral standard. Virtue is thus outdated, principally because social conditions, among them education, were changing faster than the pace to which virtue could become accustomed. As a result, lacking the unity that the full force of virtue requires, moderns can only be astonished at the things that were done in ancient governments (IV.4). Without the necessary unity required for virtue, modern virtue can only become more extreme. It cannot tolerate the contradictory nature of modern man, nor the hypocrisy caused by such contradictions. Attempts to revive it only secure extreme forms of virtue that, like the monk’s virtue, become more severe.

Montesquieu’s analysis of democracy (as a pure form of government) rests on the assumption that virtue, as the principle of modern republican or democratic government, is no longer strong enough to withstand the corrupting nature of faction. Democracies, Montesquieu explains, lack the flexibility of prerogative, which honor allows for and fear does not dare question. Montesquieu makes clear that the executor of the law in a monarchy can put himself above the law without truly endangering the constitution, whereas in a popular government he who executes the law senses that he is under it at the same time, and knows that he will feel the weight of the law if he were to break it (V.2). Democracies suffer two drawbacks from this lack of prerogative. If the constitution were threatened, and it was recognized that no constitutional mechanisms existed to save it, there would be no way to exercise constitutionally sanctioned prerogative without having to go outside of the very same constitution, an action which if committed would effectively destroy its authority.

195 Mansfield writes that unlike Hobbes and Locke, who oppose classical virtue, or Machiavelli, who attempts to revive it, Montesquieu, “does indeed reinterpret classical virtue, but only in order to show that it is out of date,” Taming the Prince, 218.
After all, no one group or person is sovereign, but all are collectively, which highlights another difficulty in exercising prerogative in a democracy. That is, prerogative must act quickly and decisively, something which the “people” cannot do.

Prerogative and collective virtue are things which republics (and democracies more acutely) lack, but they are not the cause of faction, and so questions remain concerning the relation between the principle of a republic, virtue, and the rise of faction. Corruption of this principle, Montesquieu writes, “seldom begins with the people” since they have formed a stronger attachment to that which is established as a result of their “middling enlightenment”; virtuous republicans remain virtuous because they are attached to that which they have always known. Instead of beginning with the people, “the corruption of each government almost always begins with that of its principles.” That said, if corruption of republican government “almost always begins with its principles,” but the people “seldom” corrupt the principle, it leaves the principle to be corrupted by the political institutions of the state that instill virtue, or by those who control or have influence over those institutions. Thus, the people are corrupted by interests which aspire to ends that are not virtuous. This does not happen as a result of the young, for, “they are ruined only when grown men have already been corrupted.” Corruption always begins with those who are in a position to influence the young. This indicates that character is shaped by political institutions, and not vice versa. Montesquieu explained this in the Considerations: “at the birth of societies, the leaders of republics create the

196 SPL, V.2, 42.
197 SPL, VIII.1, 112.
198 SPL, IV.5, 36.
institutions; thereafter, it is the institutions that form the leaders of republics.” In *The Spirit of the Laws*, this belief was echoed much more subtly: once the corruption had set in, Montesquieu wrote quoting Epicurus, “It is not the drink that is spoiled, it is the jar.”

Faction can corrupt the principle of democracy not only by inequality but also by the spirit of extreme equality, Montesquieu explains in book VIII. Concerning the former, when the spirit of equality is lost, “which leads it to aristocracy or to the government of one alone,” virtue will be destroyed by those factions which seek to transform the constitution. The spirit of extreme equality, on the other hand, is shown to be detrimental to the state not because it is unjust in theory, but because it leads to despotism in practice and destroys the constitution. Under a system of extreme equality the public funds are evenly distributed, yet remain only in time to be bankrupted. Due to their false self-empowerment, people stop obeying all authority from the state and overall license replaces both the liberty and the stability that the law once provided. At this moment, “the more the people appear to take advantage of their liberty, the nearer they approach the moment they are to lose it.” In an effort to reclaim the spirit of self-sacrifice and liberty they once enjoyed, the people will give all of the political power of the state to a tyrant who promises to restore what they have lost. Since their earlier passion to increase equality destroyed the institutional limits that had been placed on political power, “a single tyrant rises up, and the people lose everything, even the advantages of their corruption.”

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200 *Considerations*, I, 25.
201 SPL, VIII.11, 121.
202 SPL, VIII.2, 113.
203 Ibid.
204 Ibid.
The corruption of virtue towards either extreme, greater equality or greater inequality, transforms the constitution, but only the former will end in despotism and destroy it. Inequality, which tends toward aristocracy or to the government of one alone, leads to other forms of moderate government which, as Montesquieu explains, is not a “drawback” (inconvenient).\textsuperscript{205} Extreme equality, however, leads not to moderate government, but to despotism.

There exists a unique balance in democracies and republics between virtue as a means and liberty as an end. Montesquieu recognized that virtue itself tends towards excessive equality while individuality or independence tends toward inequality. Therefore, the balance within the state between freedom as independence and virtue as a governing principle is extremely difficult to maintain, as the excess of one or the other can tip the balance of the constitution. Montesquieu recognized something more, however. “The difference between a democracy that is regulated and the one that is not is that, in the former, one is equal only as a citizen, and, in the latter, one is equal as a magistrate, senator, judge, father, husband or master.”\textsuperscript{206} Montesquieu believed in equality only in so much as it regarded each individual as a citizen. The state had no role in forcing equality in other arenas of a citizen’s private life. A “regulated democracy,” which Montesquieu prefers, is, in effect, a limited one, one which inhibits its own tendency to enforce equality in all domains of public (where merit is rewarded) and private life.

Inequalities themselves, “should be drawn from the very nature of democracy and from the very principle of equality,” yet there are certain cases where in order to maintain equality itself (a part of the principle of democracy), and the stability of the constitution, “equality among the citizens in the democracy can be removed for the

\textsuperscript{205} SPL, VIII.8, 118.
\textsuperscript{206} SPL, VIII.3, 114.
utility of the democracy.”

Fundamentally, a republic suffers from its inability to recognize or legitimate any form of inequality. Montesquieu is not arguing against equality, he is arguing against the tendency of democracies to allow its own ethos to be used against it by those who lack democracy’s sustaining principle, virtue. Indeed, Montesquieu maintains a qualitative difference between, “the true spirit of equality from the spirit of extreme equality,” the former of which to the latter is, “as far as the sky is from the earth.”

True equality exists in having only one’s equals as masters (VIII.3), but very rarely can this be established without being corrupted due to man’s egoistic nature. It is not enough for democrats to be content with political equality as citizens; it would be hypocritical to consider equality only in political terms. Extreme democrats want equality to stretch as far as it can into the private lives of all citizens so that equality is not just a quasi-visible political virtue, but a professed social and economic one as well.

It should be remembered that political virtue is, after all, “a renunciation of oneself, which is always a very painful thing.” In theory, “the natural place of liberty is with virtue,” but in order for this to be so, virtue must be subordinated to individual freedom; freedom must exist as an end, and virtue as the means to that end. In spite of this, Montesquieu recognized, factional interests have more often

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207 SPL, V.5, 47.
208 SPL, VIII.3, 114.
209 The democracies Montesquieu examines are participatory rather than representative democracies. Both are included in his definition of a republic, albeit at separate ends of a sliding scale. Participatory democracy involves a system of lot whereby those who judge are to be judged in turn, allowing the position to hold more importance than the man who fills it at any one time. This forms a mindset quite complementary to Montesquieu’s virtuous man, but with the loss of participatory democracy and the rise of representative democracy, such a mindset was no longer possible. That said, the republics of the eighteenth century have more in common with both the French monarchy and the English (republic)-monarchy than they do the democracies of antiquity. See Bernard Manin, The principles of representative government (Cambridge: Cambridge University Press, 1997), chs. 1-3.
210 SPL, IV.5, 35.
211 SPL, VIII.3, 114.
used corrupt virtue as a means to their disingenuous ends, rather than towards the liberty of the individual or even the general welfare of the community.

Pangle, in his book *Montesquieu’s Philosophy of Liberalism*, contends that virtue is a means to the end of liberty as self-rule.\(^{212}\) Indeed, Pangle’s conclusion that virtue may be subordinated to freedom is accurate in theory; this much Montesquieu does claim, for freedom is something that should always be prior to virtue. More importantly, however, Montesquieu emphasized that virtue subordinated to freedom does not remain true in practice. The republic may aim at individual self-rule as an end, but the self-rule is itself contradictory; it is independence only in so far as self-interest coincides with the general interest. This is not independence, but coercion. As the principles of moderate regimes, both honor and virtue aim at self-rule in theory, but as will be demonstrated in the next section, honor as self-rule is a more certain means to the end of political liberty. Virtue may be the means to the end of self-rule, but it is also the means to the end of improving the welfare of the community. In the order of things concerning virtue, the community must come before the self, and the former cannot stray outside of the interests of the latter. Montesquieu demonstrates this by giving the example of the monks whose extreme virtue negates the end for which they strive (self-fulfillment). Pangle neglects the importance and inherent danger in the secondary nature to self-rule in a republic, of subordinating the self to the general welfare of the community.\(^{213}\)

Virtue, Montesquieu concludes, is too apt towards extremes. If liberty is the end of political life, it is better reached in a monarchy which, unlike democracies, does not rely on virtue. Virtue could have a place in a monarchy, if it could be

\(^{212}\) Pangle, 54-55.
\(^{213}\) Ibid., 81. Shortly thereon, Pangle admits as much when he writes, “Virtue or self-restraint tends to become not only in appearance but in reality an end in itself,” though he qualifies this by noting it is only when the republic has gone through the stages of revolution and founding.
established that monarchs were always virtuous, but history has proven otherwise (XI.4). Here, comparing the two helps to demonstrate virtue’s weakness. Virtue can easily destroy institutional limits, especially when it is politically manipulated from within the government by those who seek to aggrandize their own power. Honor, however, does not seek to destroy institutional limits. It does not act out against tyranny but instead refuses to acquiesce to its demands. In this way, the institutional operations of the constitution are maintained, yet halted through inaction, whereas virtue fundamentally requires action, which usually takes the form of seeking glory for the homeland (VII.2) but often takes the form of seeking glory or power for oneself. It is this constant action required by virtue which threatens to derail the state.

In the third chapter of book III, Montesquieu gives a brief history of the corruption of virtue; of those in Athens who had more love for their pleasures than for their city; of those in Carthage who sold their virtue for personal wealth to their destroyers; of Caesar, Tiberius, Caius, Claudius, Nero and Domitian of Rome; of how the corruption of virtue perverted all proper passions and led to their downfall. “Ambition and avarice replace virtue; love for something becomes love no longer; where one was free under the laws, one seeks to be free against them; what was a maxim is called severity; what was a rule is now constraint; what once was vigilance is now fear.”214 After such a lengthy examination of the corruption of virtue (II.2; III.3; IV.4-6, 8; V.5, 7-8; VIII.2-5) one would expect Montesquieu’s solution to be heavy handed, or at least socially or culturally intense so that the constitution might be preserved, as is, for example, Rousseau’s advice to Count Wielhorski in his

214 SPL, III.3, 23. Hume makes this same point on the same topic. Cf. MPL, “That Politics may be Reduced to a Science,” 16.
“Considerations on the Government of Poland and on its Projected Reformation.”

Yet, Montesquieu’s advice is quite the opposite and could be described as more than moderate; it is, in fact, conciliatory. What is most important when virtue has been corrupted, Montesquieu writes, is to, “put an end to vengeances, penalties, and even rewards,” since great punishments and great changes cannot be made, “without putting a great power into the hands of a few citizens.” Calm and diversity, two seemingly antithetical things, must be maintained.

To maintain diversity legislators must remain calm, almost inactive, in order to avoid domestic quarrels that can pit faction against faction. Montesquieu illustrates a case to the contrary during the Roman republic. The plebeians, in a frenzy of liberty, lost sight of responsible government and, “in order to establish democracy, ran counter to the very principles of democracy.” Thus, they created a factional tyranny against the patricians – a tyranny of the majority – all the while attempting to destroy tyranny itself. Again, Montesquieu’s examination of this cyclical problem highlights another of virtue’s weaknesses – the lack of a clear sovereign.

On the whole, virtue values the welfare of all over the welfare of the individual or the individual interest, especially when there is a question of who holds sovereignty in the state. Since no one person or interest holds sovereignty in a republic, but all do collectively, diversity must be maintained in such a way as to protect one faction from another. Even in the midst of a constitutional crisis, faction must not be wholly eliminated, for fear of creating (singular) faction that would be

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Rousseau seeks to instill what can only be called a radical form of virtue, almost entirely discouraging of faction, found in the fourth section on education, for example, in “Considerations on the Government of Poland and on its Projected Reformation.” Jean-Jacques Rousseau, The Social Contract and Other Later Political Writings, ed. Victor Gourevitch, “Considerations on the Government of Poland and on its Projected Reformation,” (Cambridge: Cambridge University Press, 2004), 189.

SPL, XII.18, 202-03.

SPL, XI.16, 176.
even more perilous to the stability of the constitution. Indeed, Montesquieu would rather increase the number of interests within the state, so that there will always exist one group who can check another before it gains too much power, rather than allow one group with sufficient power to seek the destruction of those who might have an unequal privilege in the state, as the plebeians did of the patricians. On the other hand, Montesquieu acknowledges, without a clear sovereign the competing interests will always see themselves as the true embodiment of sovereignty, and the other interests as enemies to that independence.

There is, however, a solution to the problems created by a lack of tangible sovereignty. During times of crisis, a mutual external threat can promote domestic moderation. For the constitution to survive, and for virtue to remain animated, “a republic must dread something,” as the Athenians dreaded the Persians and the Romans feared breaking their religious oaths (VIII.5, VIII.13). Thus, domestic factions must act moderately towards one another so that they can, as the Athenian and Roman examples demonstrate, mutually oppose external enemies to the state or mutually enforce religious codes, both things which bring together domestically antagonistic forces.

A mutual fear among domestic factions has the same moderating effect that a sovereign power has in a monarchy, yet Montesquieu recognized something additional to a republic. Fear of external enemies will unite the people, regardless of differences, and make virtue, which is a “very painful thing,” a principle that is easier to adopt among competing factions, resulting in principled faction. Nevertheless, it remains extremely important for republics to dread an external threat. If the populace were convinced by one faction that its enemies were a domestic faction (or even
multiple domestic factions) in opposition to them, all liberty would be lost, for “on the pretext of avenging the republic, one would establish the tyranny of the avengers.”

It remains questionable, however, whether Montesquieu believed republics could properly restrain virtue. Did he really believe that the transformation of singular faction into principled faction, by the creation of a mutually feared object for instance, could be employed to benefit the state? Montesquieu does, after all, have varying conceptions of republics that produce different outcomes. Concerning ancient Greece, Montesquieu identifies two types of republics, of which, “some were military, like Lacedaemonia; others, commercial, like Athens.” Military republics like Sparta created virtuous citizens whose aim and only purpose was state glory. Here, personal ambition was inverted towards the, “desire for true glory.” Such virtue worked when the state remained homogenous, small in size and continually feared something (V.5; VIII.16, cf. IX.1; VIII.5); this type of virtue was public. Among the Spartans equality meant frugality (V.2-3), and, for those, “who have nothing but the necessities, there is left to desire only the glory of the homeland and one’s own glory.” Here was virtue in its natural setting. Sparta possessed a constitution that could successfully moderate the tendency of virtue to reach extremes. By the wisdom of his laws, Lycurgus combined the desire for glory with restraint, “one had ambition there without the expectation of bettering oneself.” Ambition was not destructive until it led to inequality, or until one sought to better oneself. Nevertheless, conditions had changed. Montesquieu recognized that under

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218 SPL, XII.18, 203.
219 SPL, V.6, 48.
220 SPL, III.5, 25. Montesquieu is here referring to the ancients, not directly to Sparta, though it could be imputed from earlier references that he is.
221 SPL, VII.2, 98.
222 SPL, IV.6, 36.
these different conditions, “even virtue has need of limits.” Once the conditions that existed in Sparta and maintained its strength changed, so too did the moderating affect those conditions had reflexively on virtue. As noted earlier, virtue had become increasingly utopian.

The other type of republic, commercial, did not seek glory (which is sought by regimes which share public virtue); instead, it sought private interests. Citing Xenophon, Montesquieu illustrates the difference between these two republics:

“The great difference Lycurgus set up between Lacedaemonia and other cities,” says Xenophon, “consists above all in his having made the citizens obey the laws; they hasten when the magistrate calls them. But in Athens, a rich man would despair if one believed him dependent on the magistrate.”

Yet, not all commercial republics developed like Athens. The Epadamnians, for instance, elected a magistrate who conducted all of the commercial affairs for and on behalf of the city (IV.6); they were not deprived of the advantages of commerce, nor was their constitution corrupted by it. Even Athens itself was an example of a commercial republic that had successfully moderated the corruptive effects of commerce. In Athens and in other commercial republics, “the spirit of commerce brings with it the spirit of frugality, economy, moderation, work, wisdom, tranquility, order, and rule,” and so as long as this spirit continued to exist in the state, the wealth brought into the city had “no bad effect.” Montesquieu strongly believed that if the negative effects of commerce were properly moderated, commerce could have a positive effect on the state. Still, he had sincere reservations that such moderation could withstand the factious rise of extreme equality or inequality. “The ill comes when an excess of wealth destroys the spirit of commerce,” which produces the

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223 SPL, XI.4, 155
224 SPL, V.7, 50.
225 SPL, V.6, 48.
disorders of inequality.\textsuperscript{226} Commerce eventually corrupted Athens’s virtue, resulting in an absence of concern for the constitution. At this point, “no longer rivalrous, the Athenians spent their income on festivals.”\textsuperscript{227} They cared more for individual desires than they did for their virtues and, as expected, their republic was lost.

The Roman Republic, Montesquieu notes, offers a clearer illustration of the corrupting effects that faction has upon virtue. In both his \textit{Considerations} and in \textit{The Spirit of the Laws}, Montesquieu drew several similarities between Sparta and early Rome. Indeed, “the Romans, who came from the most part from the Latin towns, which were Lacedaemonian colonies…had even drawn a part of their laws from these towns.”\textsuperscript{228} Not only were their laws similar, Montesquieu points out, but so too was the unique principle of their government, public virtue. Just as virtue motivated Sparta towards war, so too did Rome, by “the very principle of its government,” seek to overcome all other states in war.\textsuperscript{229} Republican Rome, like Sparta, was constantly, “busy with the arts of war and peace,” and always seeking to enhance its glory through conquest.\textsuperscript{230} Concerning luxury, “there was none among the first Romans; there was none among the Lacedaemonians.”\textsuperscript{231} As Rome evolved, however, it became more like Athens, even though its desire for war remained. War initially had an equalizing effect in Rome. It moderated the inequalities by forging unity within the republic and distributing wealth in land among the poorer citizens. At this time, Rome was still supported by its old morals which, “made fortunes at Rome nearly

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\textsuperscript{226} Ibid.
\textsuperscript{227} SPL, VIII.5, 116, n.8.
\textsuperscript{228} SPL, XXIII.21, 443.
\textsuperscript{229} \textit{Considerations}, I, 27-28.
\textsuperscript{230} SPL, XXIII.21, 448. On their similar quest for glory through war, cf. \textit{Considerations}, VIII, 88 n.5 and SPL XXIII.23, 451 (Rome) with SPL IV.6 (Sparta), for example. Pangle gives the former reference as evidence that the Roman republic loved glory, but it seems odd that one would have to cite a specific part of the \textit{Considerations} to get this impression; the whole of the book gives it.
\textsuperscript{231} SPL, VII.2, 98.
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Yet, a more elemental difference than commerce existed between the two republics, Rome and Sparta, which further illustrates the difficulty Rome had in maintaining its principle: size. “What made Lacedaemonia last so long is that, after all its wars, it always remained within its territory.” Rome, on the other hand, continued to expand.

During the course of its expansion, the Roman republic became internally corrupt. One of the primary reasons for this corruption was that it began to separate military and civilian functions when they should have been united. When the two functions were separated, “the one who bore arms and believed himself a citizen [came] to feel he was only a soldier.” Monarchies, on the contrary, are better at maintaining empires because they expressly separate the two functions. What’s more, since Rome ruled tyrannically outside of the state, its virtue was easily corrupted inside the state. This in turn engendered a tolerance for tyrannical emperors, and in time the Romans, who had become, “accustomed to making sport of human nature,” “could scarcely know the virtue we call humanity.” Glory for the sake of the state was replaced with individual glory. In his Considerations, Montesquieu describes (in the form of a diatribe) the result of this loss of virtue:

How many wars do we see undertaken in the history of Rome, how much blood shed, how many peoples destroyed, how many great actions, how many triumphs, how much statecraft, how much sobriety, prudence, constancy, and courage! But how did this project for invading all nations end – a project well planned, carried out and completed – except by satiating the happiness of five or six monsters? What! This senate had brought about the extinction of so many kings

232 Considerations, IV, 44-45. Cf. SPL, V.5, 44.
233 SPL, VIII.16, 124.
234 Expansion was a result of the republic’s constitutional arrangements: “with the republic having leaders who changed every year and who sought to signalize their magistracy so that they might obtain new ones, ambition did not lose even a moment. They induced the Senate to propose war to the people, and showed it new enemies every day.” Considerations, I, 26-27.
235 SPL, V.19, 69.
236 Considerations, XV, 136.
only to fall into the meanest enslavement to some of its most contemptible citizens, and to exterminate itself by its own decrees!\textsuperscript{237} The Romans who by the, “means of their maxims” had conquered all peoples, could no longer support a republic, “and contrary maxims employed by the new government made their greatness collapse.”\textsuperscript{238} In the end, virtue could no longer sustain the state against the effects of man’s self-interested nature.

As long as virtue remains uncorrupted and democratic tendencies regulated, singular faction cannot arise. Even when faction tries to usurp power, Montesquieu explains, virtuous citizens will maintain the constitution. In Rome, for instance, when the plebeians had secured their participation in the patrician magistracies, and virtue remained animated, flatterers could not influence the people to act against the patricians, which would have been to the detriment of the constitution. “Because the people were virtuous, they were magnanimous; because they were free, they scorned power.”\textsuperscript{239} Virtue not only animated the constitution, it defended and preserved it.

Things would change, however, when their virtue had been corrupted by the spirit of extreme equality, “when they had lost their principles, the more power they had, the less carefully they managed it, until finally, having become their own tyrant and their own slave, they lost the strength of liberty and fell into the weakness of license.”\textsuperscript{240} Indeed, the same was true of Carthage (VIII.14). Time was the natural death for virtue, which could not remain animated in the face of man’s egoistic nature.

Interestingly, Montesquieu makes mention of the Cretan custom of insurrection, which he calls a “singular” means to the end of establishing, “sedition in

\textsuperscript{237} Ibid., 138.
\textsuperscript{238} Considerations, XVIII, 169.
\textsuperscript{239} SPL, VIII.12, 121.
\textsuperscript{240} Ibid., 121-22.
order to prevent the abuse of power.” Constitutional crises were, for all intents and purposes, singular faction against singular faction, and normally such a confrontation of powers within the state would lead to despotism, but the case of the Cretans was different; it was the only form of singular faction that Montesquieu recognized as principled. The Cretans were unique because their love of the homeland was strong and genuine enough that the sovereign body, the people, could correct the abuses of power extra-constitutionally. Though the people were sovereign in all republics (more or less so according to the composition of its constitution) and the principle of virtue aimed to suppress those who sought their own interests over those of their fellow citizens, rarely was virtue strong enough to withstand the inevitable corruption of the constitution brought on by man’s self-interest, nor did it possess the prerogative necessary to save it. The Cretan’s love of the homeland was stronger than any other republic Montesquieu mentions. They could exercise prerogative and withstand the risk of putting all the power of the state momentarily into the hands of a few (virtuous) citizens.

True virtue could give strength to sovereignty; the more virtuous the people are, the more they can “feel” their own sovereignty. Yet, only if virtue is strong and singular enough can the sovereignty of the people truly be maintained. Otherwise, it will be corrupted and the people will be confused as to the locus of sovereignty. Among this confusion, singular faction can arise. The laws of Poland, Montesquieu notes, resulted in a similar insurrection to that of Crete. Because the conditions there were considerably different, however, “the drawbacks that result from it show clearly that only the people of Crete were in a state to use such a remedy successfully.”

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241 SPL, VIII.11, 120.
242 Ibid.
When the people recognize their own sovereignty, like the Cretans, and find strength in that sovereignty from their uncorrupted virtue, faction can remain principled.

The Cretans were, however, an anomaly, even in their own time. History, it would seem, had played a trick on virtue. While the ancient Greeks who lived under popular government, “recognized no other force to sustain [their governments] than virtue…those of today speak to us only of manufacturing, commerce, finance, wealth, and even luxury.” Montesquieu’s contemporary world was no longer fit for virtue; something else would have to take its place. Historically, virtue failed because it, “has an emptiness and a powerful tendency to fill that emptiness with war, conquest, slavery, and despotic empire.” Political virtue is not a stable means to the end of political liberty, and tends toward ends that, though they may seem just in principle, were easily manipulated by factional interests.

_Honor_

Unlike virtue, honor does not require the difficult self-renunciation of oneself nor the inculcating forms of education that are necessary for such self-renunciation. It relies instead on man’s natural passions including those of charity, love and benevolence. More importantly, it relies on the passions of self-interest, greed, and the desire for power. Whereas virtue discourages self-interest, honor is predicated upon it. This section will examine how honor as a principle guiding political action utilizes motivations which would seemingly arrive at singular ends, for ends that maintain the political liberty of the state and are, in fact, principled.

Montesquieu defines honor, which in a monarchy takes the place of political virtue, as “the prejudice of each person and each condition” demanded in order to

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243 SPL, III.3, 22-23.
244 Pangle, 88-89.
Montesquieu admits that virtues may exist here, but they are nothing like the political virtue he has in mind for republics. The virtues that exist in monarchies, “are always less what one owes others than what one owes oneself; they are not so much what calls us to our fellow citizens as what distinguishes us from them.” Whereas political virtue requires of each citizen a certain amount of self-renunciation for the benefit of all, honor is concerned with what each citizen owes himself or herself with little or no concern for the welfare of others. Being honorable means being independent. It is, in this way, entirely prejudicial; each individual acts according to the code of honor relevant to his or her station. An act that might dishonor a nobleman, for instance, would have no consequence if committed by someone of a lower station.

The honorable man does not see himself for who he is as much as he sees himself for what he represents. As noted above, the principle of honor rests not only on the prejudice of “each person” but, more importantly, on “each condition.” The prejudice of one’s appointed station, so foreign to modern minds, keeps Montesquieu’s honorable man constantly striving to be (or appear to be) worthy of it. In fact, the honorable man prejudges his principles and their worth according to his condition and not on any rational (in the modern sense) analysis of them. In this way, honor is self-examining insomuch as one’s principles concur with the code of honor and not necessarily with any code of morality. It may be hypocritical according to certain standards of religion or morality, but it is, at the least, consistent. Having been educated by the world in the code of honor, and having had his reason shaped by that very education, the honorable man considers himself synonymous with what he

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245 SPL, III.6, 26.
246 SPL, IV.2, 31.
represents. He is a good citizen, though not necessarily a good man.\textsuperscript{247} An \textit{honnê
te homme} is thus formed, “who has all the qualities and all the virtues required in this
government,” none of which are ostensibly political or moral virtue, the absence of
which results in less internal contradiction.\textsuperscript{248} Thus, by limiting the individual’s self-
awareness of moral or virtuous character vis-à-vis his fellow citizens and enlarging
his or her overall sense of self-worth, an honorable man is capable of being much
more self-confident than a virtuous man could be.

Sharon Krause makes a similar point in \textit{Liberalism With Honor}, but notes that
the honorable man is, “perhaps even self-confident \textit{because} not so very self-
examining.”\textsuperscript{249} Yet, the honorable man must be self-examining in order to reflect
upon the codes of honor in which he himself has been educated and to which he
himself subscribes, according to his station. The honorable man is self-examining of
his person, which has been largely shaped by his condition, though he does not take
stock in the moral or virtuous quality of his personal character in relation to others (as
would a virtuous man). Krause insists, on the other hand, that because of the
honorable man’s confidence in his station, he is not so very self-examining.
Nevertheless, the honorable man must examine himself in order find the motive, and
subsequent confidence, for which he defends the principle of honor.

At this point, honor appears to be a singular principle; it is, indeed, self-
serving. But it is also self-respecting. Unlike virtue, honor is not based on self-
renunciation but on self-love (\textit{amour-propre}), though in its purest form as true honor
it is love of self (\textit{amour de soi}), which is closer to personal dignity. A fundamental
tenet of honor’s code places self-command above subservience, though it does not
exclusively select the end for which that self-command must be directed, as does

\textsuperscript{247} SPL, III.6.
\textsuperscript{248} SPL, IV.2, 33.
\textsuperscript{249} Krause, \textit{Liberalism With Honor}, 58.
virtue (i.e., the welfare of all). This is not to say that an honorable man is wholly autonomous, but he is more self-governing than the virtuous man. This singularity allows for the resistance to anything contrary to what the code of honor permits.

The honorable man does not select, create or in any great measure alter the code of honor which he is to follow, yet he is left to judge and execute honorable actions as situations present themselves. The honorable man is left to choose for himself, though he is limited by what the code of honor will permit; nevertheless, the available choices are more than what virtue will permit. Limited choice, combined with individual responsibility makes the decision much more meaningful to the individual, especially as the standard of appropriate honorable action is really a prejudice and not a selfless act of virtue, which must be appropriate to one’s station. The virtuous man has only one choice of action, one end for which he must strive, the welfare of the community. The honorable man, on the other hand, may choose to benefit only himself, his family, his community, or his nation; the end for which he strives is not objectionable to himself or to others unless he were to operate outside of the code of honor. More importantly, there exists a material difference between honor and virtue in the intended end and the actual end achieved. Virtue (and virtuous actions) always has the intention of achieving a single end. In a monarchy, however, “each person works for the common good, believing he works for his individual interests.” Honor still allows each individual to strive for his or her own interests (singular ends), yet in doing so there is an unintended benefit to the common good (principled ends).

Honor does not consider itself analogous or answerable to the law, and in fact its code can prescribe or proscribe different actions than what the legal boundaries

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250 SPL, III.7, 27.
will allow. Whereas virtue in a republic must be instilled and regulated, especially when it comes to the moral character of its citizens, honor in a monarchy has no need of censorship since, “the nature of honor is to have the whole universe as a censor.”

Laws in a republic punish the breaches of virtue, but in a monarchy it is different. Here every man, “who commits a breach of honor is subject to the reproaches of even those without honor.” Law has little to do with the regulation of honor. Indeed, one of honor’s “supreme rules” states that, “what honor forbids is more rigorously forbidden when the laws do not agree in proscribing it, and that what honor requires is more strongly required when the laws do not require it.” In a monarchy, however, both honor and the law prescribe obedience to the prince, unless of course, the prince were to command an action that would dishonor the nobility since, “it would make [them] incapable of serving him.” Honor is in this way closely related to the use and abuse of sovereign power.

Because it holds sovereign power, the monarchy itself is the only body of the state in a monarchical regime that has the right to exist as a singular faction. Honor, however, requires the principled resistance of the nobility to any abuse of power or usurpation of established prerogatives. The only way that this principle can be co-opted for singular ends is if it is corrupted by the sovereign power. When the nobility, or certain nobles in particular, cease to revere their code of independence, or “when one can be covered at the same time with infamy and with dignities,” the principle of honor is corrupted. One can no longer defend his or her rightful

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251 SPL, V.19, 71.
252 Ibid.
253 SPL, IV.2, 34. This was true of Montesquieu’s ideal virtue practiced by the reformed Troglodytes. They only ran into problems when they wanted to enforce virtue by law, which would always be a weaker force than that of custom. Once law is placed before custom, Montesquieu explains, there is no longer a place for real virtue. Letters, 11-14.
254 SPL, IV.2, 33.
255 SPL, VIII.7, 117.
privilege, and subsequent duty, to preserve the rightful prerogatives of the state’s established bodies against an encroachment of power from the monarch, usually because of an alliance with the monarch that was sold at the price of some mark of dignity and bought with the promise of humble obedience.

In a monarchy, therefore, “the highest dignities are the marks of the greatest servitude.” Recognition from the prince can signal the loss of autonomy. As the prince will be forever seeking to increase his power, the nobility, incorporated, have a responsibility to maintain the proper balance that constitutes a moderate monarchy. Being honorable means being independent enough to contribute to the maintenance of this balance. But, when individual dignity has been bought at the price of subservience to the prince, usually through the conferring of honors, the corporation of the nobility is weakened. Honor is at the same time independence and obedience, but it is never subservient unless it is corrupted. Corrupt honor can weaken the liberty of the state but honor itself is a natural bulwark to the tyranny that can arise under a monarch. The rest of this chapter will examine this theory.

It is not until the eighteenth book of The Spirit of the Laws that Montesquieu outlines the origin of his conception of honor. Notably, Montesquieu’s conception of honor does not derive from the Romans, but rather from the “barbarians” and “pastoral peoples” for whom honor was independence from corrupt political control; this is essentially his definition of political liberty, and it is intimately tied with honor. Honor, he explains, traces its roots to these peoples (XVIII.11-14), who

256 Ibid.
257 This definition accords with Montesquieu’s definition of XI.3, that is, it consists in, “having the power to do what one should want to do and in no way being constrained to do what one should not want to do,” though it could also be the inverse of Montesquieu’s definition of political liberty in XII.2 (“security or, at least, in the opinion one has of one’s security”). Independence from corrupt political control assuredly generates an opinion that one is more secure than one would be under tyranny.
preserved their natural liberty as a result of their way of life. Among these peoples, “if a leader wanted to take their liberty from them, they would immediately go and seek it with another leader or withdraw into the woods to live there with their family.”

The people here, who led the same way of life as the German Franks, were not only independent in spirit but also in practice. They were not attached to any one place, whether that be a city or a particular piece of land, and because of this, they retained the custom and ability of moving. No single political authority or system could legitimately lay a claim upon them and so their liberty lay in their possibility of exit. Montesquieu considered such action to be motivated by individual interests, with a result that would benefit all. “Among these peoples, the liberty of the man is so great that it necessarily brings with it the liberty of the citizen.”

By Montesquieu’s time honor was an established code among a settled (landed and aristocratic) people, though they retained the spirit of noble resistance to political tyranny regardless of any inherent virtuous or moral value. Montesquieu makes the connection between the Germans and modern political liberty; when he writes, “Our fathers the Germans,” he is placing himself on the side of the thèse nobilaire in the debate centered around royal power, which claimed the nobility were descended from the German Franks who conquered Gaul.

Montesquieu believed the English to have inherited the same forms of government as the French, though their history speaks to a closer following of the Frankish customs: “one will see that the English have taken their ideas of political government from the Germans,” Montesquieu wrote in the sixth chapter of book XI,

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258 SPL, XVIII.14, 292.
259 Montesquieu considered the French nobility to be descended from the German Franks. Cf. SPL, XXVIII.17, 552. In the chapter entitled, “The way of thinking of our fathers,” Montesquieu writes, “The Germans, who had never been subjugated, enjoyed an extreme independence.”
261 SPL, VI.18, 93.
“this fine system was found in the forests.” Nevertheless, a pivotal change occurred concerning honor and its relationship with the form of government it motivates. In both France and England, philosophically speaking, what was once “true” honor has now become “false” honor (III.6-7). The true honor of the pastoral peoples is now something quite different; the cause of honor has, in a way, been tainted, but its effect is the same. Indeed, the spirited resistance that Montesquieu so admired of the pastoral peoples had been internalized, and as will be shown below no longer relied upon conscience or morality, as it once did, as much as it is relied on the instinct of prejudice.

In modern monarchies, Montesquieu acknowledges, “the honor that guides all the parts of the state is a false honor.” It is false because, philosophically speaking, it does not suppose perfect virtue or seek to directly benefit the community. Nevertheless, false honor is not corrupt honor; it, “is as useful to the public as the true one would be to the individuals who could have it.” Though false, it still provides a spring to the government until it no longer defends a standard of self-sufficient right. That is, it still aims at principled ends. Montesquieu is not making a moral judgment of honor, but a politically pragmatic one. True honor is intrinsically tied to principle, something that sets it apart from false honor, which by appealing to vanity, is more attached to self-interest. The man whose code of honor is “false” may have personal interests which correspond with certain morals, but they need not correspond with them in order to fulfill his personal interests, whereas true honor without a code of moral standards is not true honor.

Honor has another advantage over virtue in that it is, in a sense, universal in monarchies, particularly because it appeals more to individual interests and ideas of

262 SPL, XI.6, 166.
263 SPL, III.7, 27.
glory, both of which accord themselves better to human nature. Unlike virtue (which
must be instilled, even though it is contradictorily done so), “honor begins when one
to enter the world.” The world is, in fact, “the school of what is called honor, the
universal master that should everywhere guide us.” Honor does not require that its
virtues be defined in every aspect of one’s life, in religion, politics or morality, but
rather honor, “shapes the virtues into what it wants as it wants; it puts rules on
everything prescribed to us; according to its fancy, it extends or limits our duties.”
Honor as a principle defends its own operating code, which is really an established
system of prejudice, whereas virtue aims to defend the general welfare of the state.
Thus, the code of honor defends the individual while virtue defends the community,
sometimes at the cost of the individual. Honor does not seek to defend territory, or
fellow citizens, as does virtue, but rather it seeks to defend the code of honor as an
established way of life. In particular, honor does not seek universal standards of right,
such as religion, but fluctuates according to the defense of the code of honor to which
the nobility apply themselves.

Montesquieu does not expect the people in a monarchy to be virtuous. Rather,
in comparing government forms, he is concerned with the most effective spring to
government action regardless of moral implication. Personal ambition, something
akin to immorality among virtuous citizens because it can lead to inequality, has no
place in a republic. Yet, it is beneficial to a monarchy where it has “good effects,”
and can be constantly repressed if it were to become pernicious. For Montesquieu,
monarchies function, and the common good is inadvertently though systematically
looked after, primarily because of personal ambition (III.7). Just as ambition

265 SPL, IV.2, 31. For the contradictory education of modern virtue see SPL, IV.4, 35.
266 SPL, IV.2, 33.
267 Cf. Krause, Liberalism With Honor, 43.
268 SPL, III.7, 27. On equality understood as hostility to ambition see Mansfield, Taming the Prince,
226.
stimulates the common good, so too does inaction preserve the constitution, even if it may be at the cost of enduring tyranny. If honor has been offended, the honorable response is not to react, but to retire, as such dishonor, “permits or requires one to withdraw to one’s home.”\textsuperscript{269} Furthermore, as will be seen below, honor can serve liberty most notably by not acting. For instance, regional \textit{parlements} act honorably, or as Montesquieu puts it “never obey better,” than when they, “drag their feet and bring into the prince’s business the reflection that one can hardly expect from the absence of enlightenment in the court concerning the laws of the state and the haste of the prince’s council.”\textsuperscript{270} In this way, the \textit{parlements} act defensively against the prince’s tendency towards tyranny.\textsuperscript{271} They are independent and obedient at the same time, but never subservient.

Honor, Montesquieu writes, is like the system of the universe, “where there is a force constantly repelling all bodies from the center and a force of gravitation attracting them to it.”\textsuperscript{272} In this way, honorable actions can be active or inactive; they can support, resist, retire or respond to sovereign power according to the dictates of the situation. It is thus more flexible, and in the end more moderate, than virtue, chiefly because its code relies on (and does not exclude) inaction as well as ambition.

Montesquieu preferred honor for the way in which it could harness the natural passions of men, ultimately uniting responsibility with self-interest. He did not, however, prefer the effects that monarchy could have on the state due to its

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\item \textsuperscript{269} SPL, IV.2, 34.
\item \textsuperscript{270} SPL, V.10, 56.
\item \textsuperscript{271} Montesquieu described the parlements, in the \textit{Persian Letters} as, “like a ruin which can be trodden underfoot, but can still summon up the idea of a temple famous in some former religion.” They were tragic institutions, the last bastion guarding French liberties, “who come into the presence of their king only in order to convey unhappy truths to him.” They were honorable institutions that, “contradict the flatterers, bringing to the foot of the throne the tears and lamentations [of the people] with which they have been charged.” \textit{Letters}, 93, 173-74; 140, 247. As Shklar remarked, the \textit{parlements} were “bulwarks against the king.” \textit{Montesquieu}, 80.
\item \textsuperscript{272} SPL, III.7, 27.
\end{itemize}
extravagance and lavishness. Montesquieu was witness to the weaknesses that court life put upon the political life of the state, i.e., the vanity of women, fanaticism of priests, stupidity of courtiers, and the ambition of ministers (III.5). After all, it is with a hint of irony that Montesquieu writes, “if wealthy men do not spend much, the poor will die of hunger.”273 Moreover, honor lacks a certain amount of tact; it is at times too self-serving and can be at odds with the rest of human nature, even though it appeals to one’s self-interest. A critical weakness is its running counter to equality; since the code of honor is structured upon prejudice, it does not allow for much of a common humanity. Honor is also at odds with religious faith and, at times, with commercial interest. Nevertheless, honor is a stronger and more defensive standard of political right than any other governing principle. It appeals more readily and naturally than virtue to individual self-interest, but more importantly, as one commentator notes, it, “can animate actions that self-interest, at least conventionally conceived, never would allow.” In this way men will risk what they hold most dear – their lives – for principled ends. Thus, honor becomes, “more reliable than altruism but also spirited and courageous.”274

Harnessing self-interest for principled ends, allowing one’s vice to pay homage to virtue, allows for greater flexibility and provides for a more robust individual agency. Whereas virtue can withstand force from without, especially in large numbers as against an invading force for example, honor can withstand force from within the state on an individual basis. Montesquieu gives two examples, Crillon and the Viscount d’Orte, which demonstrate this individual agency:

Crillon refused to assassinate the Duke of Guise, but he proposed to Henry III that he engage the duke in battle. After Saint Bartholomew’s Day, when Charles IX had sent orders to all the governors to have the

273 SPL, VII.4, 99.
274 Krause, Liberalism With Honor, 11. See also SPL XXX.10.
Huguenots massacred, the Viscount of Orte, who was in command at Bayonne wrote to the King, “Sire, I have found among the inhabitants and the warriors only good citizens, brave soldiers, and not one executioner; thus, they and I together beg Your Majesty to use our arms and our lives for things that can be done.” This great and generous courage regarded a cowardly action as an impossible thing.²⁷⁵

Both men acted as constitutional buffers against the monarch’s demands because the actions they had been commanded to execute were dishonorable. More to the point, the actions were, for them, impossible to execute as it was against the very nature of their self-love (amour-propre), which was the foundation of their individual agency.

For the Viscount d’Orte massacring Huguenots was not as objectionable as the thought of disrespecting his station, and disrespecting his station would have made him subservient to the monarch’s whim. Likewise, Crillon could not conceive of committing a dishonorable act. Both men resisted the tendency of the monarch to assume power, but they did not do this because the king’s actions seemed politically disadvantageous or, more importantly, immoral. Their actions were consistent with the code of honor, even though the benefits were hypocritically accrued. Both acts of noncompliance were moderating checks upon the monarch’s tendency towards tyranny, motivated by the instinct of honor. Indeed, their obfuscation upon the monarch’s will was a constitutionally embedded check, albeit of a non-institutional form, upon the executive’s actions.

Since honorable actions are not judged, “as good but as fine, not as just but as great, not as reasonable but as extraordinary.” Orte’s actions were seemingly good, just, and reasonable from the outside; yet, he did not commit his act of defiance against the king for moral or what seem to be rational reasons.²⁷⁶ His actions were obedient to the point at which his independence was at risk of being reduced to

²⁷⁵ SPL, IV.2, 33.
²⁷⁶ Ibid., 32.
subservience, something which would be dishonorable. In this way, as one commentator puts it, honor as a motivating principle, “affords its possessors an epistemological perspective that fundamentally alters their relationship to authority.”

Honor does not subscribe to acting within a moral framework, and is indeed its own judge. “As soon as honor can find something noble here,” Montesquieu writes, “honor becomes either a judge who makes it legitimate or a sophist who justifies it.” What Orte did was certainly extraordinary, but it was neither right nor wrong in the moral sense. For Orte, sparing the lives of the Huguenots was not an end in itself, but rather the Huguenots were a means to the end of his own self-respect and distinction. As honor is independent, not only of political demands but also of moral and religious ones as well, it could be imagined that Orte would similarly defend himself against the excesses of zealous religious persecution or excessive moral condemnation, both of which virtue as a principle tends only to inflame. His actions may have been singular, but the end result was principled.

Nobles, such as Orte or Crillon, were not the only actors to exhibit honor in a monarchy. *Honnête hommes*, Montesquieu pointed out, also acted in ways that were refined according to the code of honor. What’s more, it was important that honor, as a social code, not pertain simply to the nobility since the ennobling of those who benefited the state was a means to its preservation.

Montesquieu encouraged venality (the selling of titles), “because it provides for performing as a family vocation what one would not want to undertake for virtue,

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277 Mosher, 161.
278 SPL, IV.2, 32.
279 SPL, III.10, 30: “In monarchical and moderate states, power is limited by that which is its spring; I mean honor, which reigns like a monarch over the prince and the people. One will not cite the laws of religion to a courtier: he would feel it ridiculous; instead one will incessantly cite the laws of honor. This results in necessary modifications of obedience…”
and because it destines each to his duty and renders the orders of the state more permanent.”

Honor in a monarchy can have two very different effects on different social classes. For the nobility, it can stifle economic progress as it is not honorable to work manually for a living or engage in commerce (XX.21). Yet, for the bourgeois class, who aspire to attaining a higher social rank, venality can encourage and channel commercial spirit, as those who are not noble will strive economically to attain the wealth necessary to purchase noble titles. For instance, Montesquieu admired the practice in England where those successful enough in trade “may become nobles.” Such men, “can have the expectation of becoming noble without the drawback of being nobles. They have no surer way of quitting their profession than to do it well or to do it successfully: something usually linked to prosperity.”

In this way, “a profession will be better pursued when those who have excelled in it can expect to attain another.” Such a practice of venality aids in the general prosperity of the state. It can also serve to reinvigorate honor since the draw of honor persistently furnishes diligent and lasting functionaries who give stability to the government.

Though honor motivated even those who were not noble, its source came from the monarch, especially in a moderate monarchy. Moderate monarchy is a difficult term to define, as Montesquieu understood it, partly because terms such as *pouvoir absolu*, or absolute power, had entirely different connotations in the eighteenth century than what one finds in nineteenth- and twentieth-century thought. Accordingly, a deeper analysis of Montesquieu’s understanding of moderate monarchy will help to better clarify his understanding of the role of honor in producing political liberty.

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280 SPL, V.19, 70.
281 SPL, XX.22, 350.
282 Ibid., 351.
283 Mosher, 172-183.
Established law recognizes the prince as sovereign, and therefore the only singular faction permitted to exist; he is in some ways the law, but also above it. Since the monarch exists as the only singular faction in a constitution of established law, he will have no desire to upset that constitution. A monarch governs *according to* the established law (II.4) that maintains his power, for if the monarch were to abuse the power granted him under the established system of law, it would no longer be a monarchy but a despotism. Indeed, as one commentator notes, “through trial and error the sovereign discovers, counter-intuitively, that delegating rights and responsibilities to others preserves power.”\(^{284}\) A moderate monarch holds power (the laws and his subjects recognize as much), though he does not necessarily use it since he obeys the fundamental laws of his state, which require the express recognition of the constitutionally established bodies within that state. It is a circular pattern wherein not exercising power increases his subjects’ opinion of security and subsequently, the moral force of the monarch that provides that security.\(^{285}\)

The monarch should not concern himself with the details of the government and should be, as Montesquieu puts it in one *pensée*, “the soul, and not the arm” of the government.\(^{286}\) The self-disablement of power through constitutional restraints also establishes a more secure opinion of personal liberty for each citizen. Power still exists, but in not exercising it, the opinion of one’s security – Montesquieu’s definition of political liberty (XI.6) – is greatly increased. As Mansfield writes of Montesquieu, “opinion reflects confidence; fear shows the lack of it.”\(^{287}\) In addition, individual initiative on the part of the subject as well as cooperation with the established political system comes along with the opinion of one’s security, both of

\(^{284}\) Ibid., 176.
\(^{285}\) Ibid., 174. Keohane, 405.
\(^{286}\) *Pensée* 953, cf. also 965.
\(^{287}\) Mansfield, *Taming the Prince*, 222.
which contribute generally to the success of the state and the increased legitimacy (and subsequent authority) of the monarch.

The exercise of justice and the power of pardon in a monarchy illustrate this subtle use (or non-use) of power. In administering the justice of his state, the monarch does not exercise his power directly but rather delegates it to ministers or tribunals who exercise his authority. This preserves the monarch’s power, and protects the liberty of the citizen from injustice and abuse. By not deciding directly in the cases of his subjects, the monarch does not side with any party and ideally remains an impartial third party. In a *pensée* discussing European constitutions, Montesquieu explained the relation between the moderated power of a recognized sovereign and political liberty: “If there were not a king in England, the English would be less free. This is proved by the case of Holland, where the people have become more enslaved since there is no longer a Stadtholder: all the magistrates of each town, little tyrants.”288 The non-use of power not only removes the judgment from the influence of courtiers, but it also gives strength and credibility to the letter of the law. “The laws are the prince’s eyes,” Montesquieu writes; the monarch establishes the rules of justice but he does not perform the roles of the tribunals, for if he did, he would work, “not for himself, but for those who would deceive him.”289 Such a system does not occur overnight. Montesquieu remains adamant that such systems are rooted historically and continually evolve as honor becomes increasingly institutionalized. Indeed, moderate monarchy is a system of historical enlightenment which has gradually evolved and earned the trust of subjects by not employing power

\[288\] *Pensée* 655.  
\[289\] SPL, VI.5, 80.
what are essentially constitutional restraints – thus increasing both the sovereign’s power and the subjects’ liberty.  

Regional *parlements* and noblemen, Montesquieu acknowledged, were not the only things in a monarchy which could moderate the power of the prince, since institutions such as regional *parlements* and actions such as those executed by Crillon and the Viscount d’Orte were only the effects of a foundational cause. Indeed, the cause was the code of honor. The code of honor, by which those who composed the *parlements* regulated their actions, was the foundation for the motivation behind the defense of political liberty. Additionally, since codes of honor are grounded in the histories of families, institutions and collective traditions, all of which have come to be constitutionally embedded in the state, honor is historically conditioned.

Montesquieu, like Hobbes and Locke before him, did not seek to define or attain the nature of the highest goods. Rather than defend timeless political orders that aim for the perfection of the soul, Montesquieu sought to defend political systems that had historically established political liberty as their end. Honor was thus constituted by the collective acts of historical obeisance and resistance to the sovereign. Such a historical balance of political power gives to the principle of honor the additional powers of permanency, right and agency. What’s more, its source of strength comes from the reverence given to the principles of its code, which reinforce the nobility’s prerogative and constitutional standing vis-à-vis the sovereign. By checking the power of the sovereign, the nobility help to provide for the liberty of all

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290 Cf. SPL, XXXI.20, 699-701.
291 For instance, Montesquieu disapproved of the way in which ancient philosophers, Aristotle and Plato included, did not recognize that, “the terms beautiful, good, noble, grand, perfect are attributes of objects which are relative to the beings who consider them.” *Pensée* 410.
while maintaining the legitimacy of the system as a whole, for without the nobility as an intermediary body the monarch would instead be a despot. “In a way the nobility is of the essence of monarchy, whose fundamental maxim is: no monarch, no nobility: no nobility, no monarch; rather, one has a despot.” The two bodies depend on one another for their mutual existence. Though it is true that both the nature and principle of republics and monarchies are necessary ingredients to the outcome of political liberty, monarchy’s form – which takes the shape of intermediary bodies, cumulative history and tradition – is of more consequence when it comes to sustaining the liberty of the state and arresting the slide towards despotism, since it is composed of factions that are more often principled than singular.

History and tradition give to honor a weight of permanence which virtue lacks. The events that transpired some thirty-five years after Montesquieu’s death provide an example of this. Up until that point, honor had served to increase what there was of political liberty in the state; political virtue had no comparable precedent, at least in the recent past of French history. Yet, the ideas that were promulgated after 1789, and the men who promulgated them, gave little or no credit to their predecessors. It must be wondered, as Michael Mosher asks, how, “such an open and independent spirit [could] have been nourished for so long under a form of rule, monarchy, which was evidently wholly inimical to it?” Virtue was to be the new creed of political liberty, not prejudicial honor. Yet, 1789 could certainly not have been the “birth” of the French Republic, as the storyline of French national history recalls. The ideas that

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293 SPL, II.4, 18.
294 Cf. SPL, II.3, 17.
295 England was for Montesquieu the potential future of the French political system. His analysis of political liberty that a mix of principles promulgated in England was intended to demonstrate the potential for the same moderation of political power in France. He did not consider the history of the French political system devoid of political liberty, however; the moderating bodies of the nobility, provincial estates, and in some instances the clergy supplied what there was of political liberty. On this see Huiling, 46.
296 Mosher, 162.
came to the fore in 1789, ideas that were claimed to have originated outwith of the archaic and repressive regime they were said to have shattered, were in fact nourished under the ancien régime. Indeed, the two systems were not as radically different in their epistemological perspectives, concerning liberty in particular, as the writers of the new French history led future generations to believe.

**Faction**

Montesquieu’s “faction” is only faction when it becomes political, or at the point in which it is capable of destroying the constitution by allowing an individual or an individual group to put its interests above the authority of the law; indeed, this is singular faction. Nevertheless, inherent in Montesquieu’s understanding of faction is a liberal belief that the potential benefits of principled faction (faction as positive competition within the state), if controlled, outweigh the potential risks posed by singular faction. The problem lies in finding a way to engender principled faction without giving rise to singular faction. Montesquieu’s solution to this problem is not to root out faction, but rather to incorporate it into the constitution while maintaining the governing principle so that it may become principled faction. Montesquieu’s understanding of faction is politically pragmatic and not moral as he is not seeking to describe the best state, or even the best possible state. Rather, he is giving an account of what is necessary in order to maintain a moderate state. It is the principle of honor, Montesquieu concludes, that best maintains principled faction in a state.

Liberty is more frequently believed to exist in democracies since the people appear to have sovereign power. However, in this sort of government, “the power of

297 Manent, *The City of Man*, 15. Unless, of course, such faction were to lead to despotism, and then the moral meaning would be clear. Krause makes this conclusion in “The Uncertain Inevitability of Decline in Montesquieu.”
the people has been confused with the liberty of the people.” Similarly, liberty from faction is more often believed to exist in republics than in monarchies because in republics laws appear to govern more so than men. Liberty, Montesquieu explains, is the right to do what the laws permit, but it is not independence. Liberty and independence are two separate things; in fact, in a democracy these two things are antithetical to each other. To have liberty, one must be governed by laws. Princes are the only people who are truly independent and not governed by civil laws but by force, and are therefore not free. Thus, in a democracy where there are no princes, one can only have liberty if one is under civil law. If all were independent, that is independent of the law, they, “would no longer have liberty because the others would likewise have this same power.” What is most dangerous about the power of the people (a power which tends towards extreme equality and ultimately disruptive and uncontrollable independence) is that it allows for singular faction to arise; in most cases singular faction which considers itself independent from and above the law. Here it is not liberty, but in fact license, and can only end in despotism.

Two paths of thought could be taken at this point. First, all citizens could be made exceedingly equal, allowing none to be independent. This, however, is neither practical nor moral. Montesquieu fears the destructive capability of extreme equality but also sees the unreasonableness of its purpose. Equality is at the heart of a democracy, but, “this equality is so difficult to establish that an extreme precision in this regard would not always be suitable.” What’s more, when the spirit of extreme

298 SPL, XI.2, 155.
299 SPL, XXVI.20, 514. Krause makes a more cogent distinction of the relationship between liberty and independence in her article, “Two Concepts of Liberty in Montesquieu,” in which she argues that political liberty both presupposes and produces philosophical liberty, which is expressed by independence. Nevertheless, political liberty as a product of law is necessary in order to be free (In Isaiah Berlin’s negative sense: freedom from A in order to enjoy the freedom to do B). Perspectives on Political Science, Vol. 34 no. 2 (spring, 2005): 88-96.
300 SPL, XI.3
301 SPL, V.5, 46-7.
equality pervades a constitution the purpose of its function, that is to attain equality, negates all attempts at independence. Under extreme forms of equality all respect for the law is lost, which in turn leads to every citizen believing that he or she is above the law, replacing the liberty once promoted by the state with license. This can only lead to a conquest of the state by singular faction and eventually, “the despotism of one alone, as the despotism of one alone ends by conquest.”

Virtue could no longer sustain the delicate balance between liberty and equality, Montesquieu believed. As a result, Montesquieu prefers a second, more stable, course of action, which is to utilize honor as the key to that balance. This permits human nature to tend towards independence, but institutionally controls its negative tendencies. At the same time that Montesquieu allows for the tendency towards independence, he seeks to establish a system of government that best controls and directs its passions. Such a balance is difficult to find, as Montesquieu illustrated in the third chapter of book III. It is historically evident that virtue cannot always contain faction: “it has eternally been observed,” Montesquieu writes, “that any man who has power is led to abuse it,” which leads to the conclusion that, since power corrupts virtue, “even virtue has its need of limits.”

Contrary to virtue, honor permits independence, limits license, and increases political liberty. Components of the monarchical form of government – prerogative, for instance – moderate the will to power by recognizing a sovereign who is the only singular faction permitted in the state. The Cretans were the only virtuous citizens who could recognize their sovereignty and therefore exercise prerogative, but their time and place, Montesquieu tells us, is long past. Honor can utilize prerogative in order to extinguish singular faction that seeks to usurp power, but an inherent

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302 SPL, VIII.2, 112-3.  
303 SPL, XI.4, 155.
weakness in the democratic form of government is that it relies on virtue alone in
order to hold together the constitution. A distinction in the principles, virtue and
honor, illustrates this difference. Political virtue obeys the common will; this is
indeed central to its spring of government. Honor, on the other hand, appeals to
individual interests and so cannot be reduced to obedience. Honor obeys individual
will, which is a principal reason for its success in maintaining liberty. It also obeys
the will of the monarch up until the point at which obedience becomes subservience,
an act which honor cannot tolerate, making honor principled in resistance to corrupt
power as long as the code of honor remains principled.\footnote{Manent describes this
difference in sovereignty as an “exquisite moment of liberalism” that existed
between, “the active sovereignty of kings (which comes to an end with the English
Revolution) and the active sovereignty of the people (which begins with the French
Revolution).” An Intellectual History of Liberalism, trans. Rebecca Balinski

Virtue makes one sacrifice one’s own good for the welfare of all; only in this
way is it moral. It is disinclined to the natural passions, but in the end this restriction
– what Montesquieu compares to a monk devoted to the self-deprecating laws of his
order – gives it a much more potent vigor than any other principle if it can be
appropriately instilled, something Montesquieu doubted.\footnote{Regarding the vigor of
virtue created by self-renunciation, see SPL, V.2, 43; For Montesquieu’s
doubts that modern virtue can be properly instilled see SPL, IV.4, 35 and XI.4, 155.}
Honor, on the other hand, appeals to man’s natural passions by centering on the duty
that is owed to one’s station. The virtues that exist in a monarchy are always less what one owes others
than what is owed to oneself, and are not so much what makes us like our fellow
citizens as what might distinguish us from them (IV.2). While virtue represses the
natural passions, leading to extremism, honor moderates action by linking individual
ambition with the established, albeit prejudicial, codes of social practice, directing its
purpose towards the good of the state and not against it. This distinguishes the
individual in pride of place and ultimately appeals to one’s natural passions, without
encouraging extreme liberty or license. The honorable man can recognize inequality
(not only of wealth, but of talent, effort, etc.) without reacting violently to it, since in
order to have the prejudicial pride of place, one must acknowledge and respect the
position of others. This also means that one must be tolerant of the prejudice and
inherent hypocrisy built into the system of honor.

Republican virtue has its strength in numbers, but honor itself is not limited to
the individual. There remains some form of altruistic sense of duty to others, albeit
others of the same condition; it is not only the prejudice of “each person” but of “each
condition.” By its very nature, honor establishes conflicting bodies within the state.
Those who are “of the same condition” recognize the “collective liberties” to which
they are due (though “prejudices” would be a more apt term), and utilize their
prerogative in order to maintain those liberties. One can only imagine, as Franklin
Ford illustrates, the medieval nobleman clutching his bundle of prerogatives, crying
“liberté” when he really meant “mon droit.”

Liberty here is a false term, for it is
not the intention of the nobleman that everyone should enjoy his prerogatives. *His
rights motivate his actions.* All the same, along with individual rights under
established law comes political liberty. Self-interest is not only the cause of self-
fulfillment, it is also the cause of liberty in a monarchy. The means of maintaining
one’s honor may be singular, but the ends are principled.

The nobleman shouting “liberté” and meaning “mon droit” must recognize
two things. First, he has to be demanding “mon droit” from someone or somebody
who holds sovereign power over him. In this way, he recognizes a power within the
state to which he is subordinate and from which political power emanates.
Furthermore, if he demands “*mon* droit” (and not *le* droit) it must be opposed to

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306 Franklin L. Ford, *Robe and Sword: the Regrouping of the French Aristocracy After Louis XIV*
someone else’s right who might also be appealing for their right. Rights in this way are not universal but prescribed, making them more tangible. Recognizing a sovereign power posits that sovereign as a supreme power within the state to whom all parties can submit their claims, and more importantly, subject themselves to so as to free the domestic sphere from struggles for power. Consequently, the second recognition is the right of other interests, or factions, to demand their respective prerogatives from the sovereign without hindrance or offense. Factions accept their own prerogatives as an agreement with the sovereign that those prerogatives will not be relinquished to any other group; it is also an agreement based on the condition that they likewise respect the rights of other groups. Thus, factions that are motivated by the principle of honor maintain the political liberty of all by guarding against two tendencies: the dangerous concentration of political power by one social or political body that is not the recognized sovereign, and the tyrannical usurpation of political power by that recognized sovereign. Honor stipulates not only a balance of power among the established bodies of the state, but also a balance between those bodies and the sovereign. Those bodies, acting as principled factions, recognize that it is in their own interests to remain principled and to acknowledge the one legitimate singular faction of the state, the monarch.

Both Crillon and Orte’s association with a constitutionally legitimate body in relation to other constitutionally legitimate bodies is what made it possible for them, as honorable individuals, to exercise their prerogative and disobey the king. Such actions were, more importantly, defensive. As honor does not have the tendency to concentrate power but to divide it among these constitutionally legitimate bodies, it is a stable guarantor of liberty; restlessness and internal division mark all free
governments. In contrast, virtue has the tendency to unite the wills of everyone in the state, and perfect unity, Montesquieu reminds the reader, is not far from the perfect subjection of a despotism: “whenever we see everyone tranquil in a state that calls itself a republic, we can be sure that liberty does not exist there.” Indeed, in such a state, “if we see any union there, it is not citizens who are united but dead bodies buried one next to another.”

308 Considerations, IX, 93-94. Cf. SPL, V.14, on the necessity of action to maintain liberty: “While the principle of despotic government is fear, its end is tranquility; but this is not peace, it is the silence of the towns that the enemy is ready to occupy.”
3 § The Practical Side of Party Politics

Let us, therefore, rest contended with asserting, that two opposite vices in a state may be more advantageous than either of them alone; but let us never pronounce vice in itself advantageous.\(^{309}\)

Though today Hume is studied mostly in departments of philosophy – a fact that would most certainly please him – his greatest success came via his power of political observation, first in the Essays and later in The History of England. At times, his observations carried him beyond the borders and recent past of the British Isles, but for the most part he was an observer of his own political country, his own time, and the differences that existed within the former, during the latter. Hume himself never felt comfortable in this, his own yet foreign, political scene. He could not avoid it, however, and his political observations read accordingly. He was intimately familiar with the political debates, and often the politicians themselves, but he never adopted the role of an insider. As a Scotsman, he was always an outsider looking in on a system that, though admirable, had taken precedence over his own.

Hume considered himself to be, first and foremost, a philosopher, never a politician.\(^{310}\) “Those who employ their pens on political subjects, free from party rage, and party prejudices,” Hume self-assertively begins his essay “Of Civil Liberty”

\(^{309}\) Hume, “Of Refinement in the Arts,” 280. All references to the essays in this chapter will be from Essays Moral, Political, and Literary, ed. Eugene F. Miller (Liberty Fund: Indianapolis, 1987), and will be cited as MPL, followed by the essay title.

\(^{310}\) Though a man of letters, Hume served as a secretary to diplomatic missions in Vienna, Turin, and briefly as Chargé d’affaires, at the British Embassy in Paris from 1763-65.
by writing, “cultivate a science, which, of all others, contributes most to public utility, and even to the private satisfaction of those who addict themselves to the study of it.”

311 He was emphatically not a man of party, and though often close to those who were, his philosophy maintains a respectable distance from engrossing itself in the right or wrong of the political debates of his day. 312 On a more personal level, Hume recognized that the path to official recognition in his time, “both in the state and in literature,” lay with the Whig party. Yet, he would not sacrifice his impartiality for popularity. In discussing the reception with which the first volume of *The History of England* was received by the Whigs, Hume wrote that he was, “so little inclined to yield to their senseless clamour, that in above a hundred alterations, which further study, reading, or reflection engaged me to make in the reigns of the two first Stuarts, I have made all of them invariably to the Tory side.”

313 Hume was not, however, the overly impartial observer he considered himself to be. That he considered himself, “the only historian, that had at once neglected present power, interest, and authority, and the cry of popular prejudices” did not mean that he could absent himself completely from the politics of the day, especially as a Scotsman. 314 He was influenced enough, for instance, to hold off publishing his essay “Of the Protestant succession” in 1748, only three years after the last Stuart rebellion, though it would eventually be included in the *Political Discourses* in 1752.

Hume could also not avoid the debate on luxury or commerce. As a Scotsman he undoubtedly held opinions on the economic effects of political union in 1707, as

312 Hume considered his philosophy to be above the fray of contemporary politics. In “Of the Original Contract” he remarks, “But philosophers who have embraced a party (if that be not a contradiction in terms)…” (469). On modern interpretations of Hume in which he remains to be seen as both a conservative and a progressive see John Danford, *David Hume and the Problem of Reason: Recovering the Human Sciences* (New Haven: Yale University Press, 1990), 110-11.
313 Hume, *My Own Life*, xxxviii. See *History*, VI, 532-34.
well as the effects of British Empire that continued to grow throughout his lifetime.\footnote{On this see Hont, \textit{Jealousy of Trade}, 63-71, 84-88, & chs. 3-4.} Theories of mercantilism, which saw a surplus in foreign trade (and thus specie) as contributing to national power, were set against more traditional economic theories that considered the soil the true source of all wealth. Additionally, a new economic interest, the monied interest, was gaining power and its ascendancy in politics instigated debates on corruption, opposition to power, and on the principle to maintain the latter in the face of the former. The subject remains important for Hume’s thought on party and principle for the simple reason that the two could not easily be separated. Commerce had indelible effects upon liberty, and vice versa. Indeed, Hume would come to believe that some modicum of corruption by the executive was necessary in order to properly balance the power of the House with the Crown.\footnote{MPL, “Of the Coalition of Parties,” 498.}

Though his own contemporaries recognized him as an apt political commentator, Hume believed that political “thought” was merely thought, and nothing more. Since it had been unable to generalize on the necessary level of a science it was, at best, conjecture upon the short history of civil society. Hume doubted the truth that science could lend to a study of politics, but this did not stop him from drawing conclusions upon political subjects.\footnote{See “That Politics may be Reduced to a Science,” 18.} Though one will not find Hume the politician as one finds Burke the politician, one finds in his writings on politics both Hume the philosopher and Hume the citizen. As such, he believed that public opinion is fundamental to all political authority. In this way, his \textit{Essays} had a special role to play. Hume hoped to have an influence upon the public opinion that was constitutive of politics.\footnote{The first edition of the \textit{Essays Moral and Political} were written with the intention of publishing them in a weekly periodical, styled after the \textit{Spectator} and the \textit{Craftsman}, with Henry Home, Lord Kames. See E.C. Mossner, \textit{The Life of David Hume} (Oxford: Clarendon Press, 1970), 139-40.}
This chapter will examine the conclusions inherent in the above claim by looking at Hume’s *Essays Moral, Political, and Literary*. Though it will borrow from the *Treatise*, the *Enquiries*, and *The History of England*, its focus will be principally upon these essays, and the ideas contained therein. Knud Haakonssen notes that while Hume’s political philosophy is found in the *Treatise*, the *Enquiries*, and some of the *Essays*, his political observation is found in most of the *Essays*. While *The History of England* remains political history, the *Essays*, “function both as a political supplement to the *Treatise* and as an extension of the *History* from 1689 to 1740.”

By examining his political observation, more so than his political philosophy, this chapter will share a trait with the others: party and principle will, for the most part, be examined through the lens of existing constitutions, not imagined republics.

A good portion of the scholarship published on Hume deals strictly with his system of philosophy. These can be tedious, unapproachable and, as it concerns the topic of this chapter, rather distantly related. Nevertheless, there is a great deal to be examined in the *Essays* that could not only be interpreted as derivative of or complementary to Hume’s other works (the *Treatise*, in particular), but could also help to better explain Hume’s political thought, or what might today be called his “advice concerning public policy.” On understanding Hume, his time, and his work, E.C. Mossner’s *The Life of David Hume* and Duncan Forbes’ *Hume’s Philosophical Politics* remain two standard intellectual biographies that are without parallel.

There exists much secondary literature that concerns Hume’s thought on party and principle. On Hume’s understanding of “singular faction,” as termed in this

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thesis, Jennifer Herdt’s *Religion and Faction in Hume’s Moral Philosophy* is of much use.\(^{322}\) Nicholas Phillipson’s *Hume* offers a much more nuanced view of a Hume that by and large, detested faction.\(^{323}\) John Robertson’s chapter, “Scottish Enlightenment at the limits of the civic tradition” divides Hume’s opinion on faction according to earlier (“Of Parties in General”) and later essays (“Of Commerce”). Though he highlights the development of economic thought in the later essays, Robertson does not conclusively explain the division of Hume’s thought on faction that he originally determined to demonstrate.\(^{324}\) Alternatively, Robert Manzer in his article, “Hume’s Constitutionalism and the Identity of Constitutional Democracy” firmly places Hume’s thought among the political debates of his day; Frederick Whelan and Richard Dees do likewise in their respective articles.\(^{325}\)

Much of the work on Hume’s understanding of principle focuses upon Hume’s concept of justice, which is indeed a fundamental concept in his political thought.\(^{326}\) John Stewart’s *Opinion and Reform in Hume’s Political Philosophy* contributes greatly to an understanding of Hume’s thought on men and passions, but its focus is primarily upon Hume’s understanding of human nature and bypasses any meaningful

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324 John Robertson, “Scottish Enlightenment at the limits of the civic tradition,” in *Wealth and Virtue: the shaping of Political Economy in the Scottish Enlightenment*, eds. Istvan Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), 137-178. I am skeptical of the divide that Robertson attempts to highlight in Hume’s thought, and instead see the later essays more as an exercise in application of the earlier ones than a change or division in his thought, and so have not sought to separate the two sets of essays. (153-54)
discussion about parties in political society. David Miller and Knud Haakonssen both do an excellent job of contextualizing Hume in the proper perspective concerning his view of modern political principle.

As with the previous chapter, faction will be discussed in two ways, singular and principled. The former term, singular faction, is understood to be malicious, power seeking, and independent to the point of unreasonableness. It more often than not refuses to recognize any established power as sovereign and is closer to how Hume commonly employed the term “faction” overall. Hume writes:

As much as legislators and founders of states ought to be honoured and respected among men, as much ought the founders of sects and factions to be detested; because the influence of faction is directly contrary to that of laws. Factions subvert government, render laws impotent, and beget the fiercest animosities among men of the same nation, who ought to give mutual assistance and protection to each other.

As will be explained below, “interested principle,” or principle motivated by ideological premises that are based on material gains, motivate this type of faction.

Principled faction, on the other hand, recognizes an established sovereign. It too can be power seeking and may conflict with other factions in the state, but a key difference lies in the appreciation of two conditions. First, a constant tension among powers in a state promotes the spirit of liberty, and second, a constitutional sovereign, to whom all rival or competing factions must submit, is necessary. Though they submit to a sovereign, this does not mean that they are completely submissive. A critical addition to the definition of principled faction is its guardianship of established prerogatives, which brings up questions of right, abuses of right, and

sovereignty. The actions of principled factions may still be self-interested and self-promoting but will be so only to a point. In the end, they make up a government that Hume calls “wise and happy” because ultimately their interests concur with those of the public.\(^{330}\)

Hume’s essays are a rich source of thought on which to explore the concepts of principle and faction. By the conclusion of this chapter, a trend that exists in his thought will be teased out by examining five complementary topics. First, the chapter will look at how Hume’s thought on human nature and the origin of faction come together. Second, the chapter will look at Hume’s understanding of husbandry and commerce, and how the two produce social division, and ultimately stability, in a state. The third segment will look at the concepts of principle and interest at the level of the individual and the level of the party, while the fourth section will examine the ways in which Hume employs these two concepts, principle and interest, according to government form. The final segment will begin by taking a look at how Hume interprets the form and function of the English constitution and will conclude by examining the improvements he would make upon it, concerning, in particular, his understanding of moderation.

Hume had a conservative understanding of the English constitution. He saw in its operation not the best possible form of government, but a form of government that was the best given its historical evolution and its propensity for reform. He also recognized the delicate balance between liberty and authority that had been established in the English constitution and understood that this balance was not a trifle, nor an accident. The constitution had been established and reformed, stretched and occasionally tipped to one side or the other, but its stamina remained a testament

\(^{330}\) MPL, “Of the Independency of Parliament,” 43. For Hume, the sovereign in name is the monarch; in a mixed constitution where party politics are involved, the sovereign is in truth the public. Resistance to the sovereign (in name) is examined below.
to the strength of its moderation. Hume therefore went to great lengths to describe the establishment of society, but in doing so he was concerned more with the effect that process had on political liberty, rather than the legitimacy of what was established.

There is a great consistency in Hume’s thought throughout the Essays, but it is detailed and well qualified. Often the same terms describe different concepts, and the subtle differences between and among the essays can be difficult to recognize. Throughout this chapter, and in the third section in particular, every attempt is made to map out these differences when terms overlap, such as principle or interest. To begin, however, let us examine a key difference in Hume’s thought between the two types of faction, singular and principled. That is, principled faction, unlike singular faction, recognizes the “justice” of submitting to a common sovereign.

Though it is in many ways similar to his broader concept of justice found in the Treatise and both of the Enquiries, the concept of justice used throughout this chapter is taken explicitly from the essay “Of the Origin of Government.” In employing this definition of justice, this chapter does not focus upon concepts that are derivative of, though they may be related to, Hume’s notion of justice, such as property, which are discussed in greater length in the Treatise.\footnote{David Hume, A Treatise of Human Nature: Being an Attempt to Introduce the Experimental Method of Reasoning into Moral Subjects, ed. P.H. Nidditch (Oxford: Oxford University Press, 1978), 484-516. Hereafter cited as Treatise.} This chapter borrows from these other more drawn out definitions in order to give his concept of justice in “Of the Origin of Government” a larger framework but ultimately a more concise meaning. The seventh section of the third book in the Treatise, “of Morals,” posits the same concept of justice that is later found in the essay entitled “Of the Origin of Government,” and thus cannot be entirely separated from it. Indeed, the section contained in the Treatise has the exact same title, Of the origin of government.
Most of the material found in this section of the Treatise provides the foundation for the later essay.332

Hume’s concept of justice in “Of the Origin of Government” is both practical and temporal. It is practical as its account of morality is predicated on a previously established understanding of justice, instead of it being one part of, and dependent upon, a system of morality. James King highlights this dichotomy by differentiating between modern and classical theories of justice, the former which take systems of morality to be prior to any sense of justice, and the latter which make explanations of justice prior and fundamental to any system of morality. King is right in pointing out that Hume’s concept of justice belongs to the latter. Similarly, Charles Cottle examines the implications inherent in Hume’s differentiation between natural and artificial virtue, and concludes that the latter, under which justice falls, is not only regulative of such things such as property, but constitutive.333

The temporal aspect of Hume’s “justice” differentiates between an individual’s short and long-term understanding of justice, as what may be justified in the short term is not always what is “just” in the long run. Even though all men recognize the necessity of justice, that is to maintain peace and order in society, it is near impossible to keep them in the paths of justice, as men generally seek to satisfy their own passions before they employ common reason. The avidity to acquire goods, Hume writes in the Treatise, “is insatiable, perpetual, universal, and directly destructive of society.”334 However, Hume does not retreat to pessimism. There are times, he admits, when one’s gain by fraud will be greater than the hurt given in a

332 See Of the origin of government in the Treatise, 534-39. It should be noted that “Of the Origin of Government” was written as late as 1774.
333 Though this seems an obvious point (see Treatise 489-93) many commentators fail to discuss it. Cottle, 459-60. For a commentator who does discuss artificial and natural virtues see Jonathan Harrison, Hume’s Theory of Justice (Oxford: Clarendon Press, 1981), esp. Sections I and VI.
334 Treatise, 491-92.
breach of justice, but, for the most part, man is concerned with greater interests that are more distant, and those more distant interests are what is agreed upon as just. Justice is therefore a sort of meta-virtue that instructs other virtues (as Montesquieu’s understanding of justice was), even though it serves individual interests.

In establishing government, individuals, “endeavour to palliate what they cannot cure,” – that is, our short-term view of things – by institutionalizing the means of justice in order to reach the ends of our long-term interests.335 Certainly, government has no other purpose but to administer justice, without which there could be no peace, safety, nor mutual intercourse. Government acts as a mechanism that prevents against our natural inclinations to abandon the long-term view of justice for an ephemeral satisfaction.336 The conclusion that justice is only justice when all men cannot break the rules without being detected, as Jonathan Harrison argues, goes too far.337 This is in some ways a non sequitur, since there does not exist a way for men to be certain that all fraud can and will be detected. Therefore, for justice to exist one has to assume that the possibility for fraud also exists, but that it is more often detected than not. What level the threshold of fraud versus detection may be for men to enter into a society based on justice is vague (and most likely intentionally so); one need only believe that joining society is ultimately in one’s interest. In this regard, Hume distances himself from those philosophers who see codes of justice as representing the interests of the stronger, or the ruling or dominant class. Justice exists regardless of natural strength, wealth, or power because it is the motivation of self-interest that compels men to join society.338

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336 Day, 36-37; Harrison, 172-73.
337 Harrison, 182.
At this point, Hume remarks upon a second duty, obedience, which he writes, “must be invented to support that of JUSTICE.”\textsuperscript{339} Realizing it is in their own interest, men submit to magistrates who deliver justice and make evident to shortsighted men their real and permanent interests.\textsuperscript{340} Men, “though often led astray by private passions, find, in ordinary cases, a visible interest in the impartial administration of justice.”\textsuperscript{341} A part of one’s personal sovereignty is sacrificed in obeying the magistrates so that one might benefit from their impartial enforcement of the law, or what was agreed upon as just. By enforcing justice, government is a means to the end that is ultimately in our long-term interest. Thus, through the mechanism of government, civil laws are instituted which are chiefly for the sake of natural laws, self-interest being the primary among them.\textsuperscript{342}

\textit{On the Origin of Government}

Sovereignty is not an easy topic to discuss succinctly, nor, Hume admits, is it an easy task for the philosopher to rationalize, let alone define. “Almost all the governments which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation of conquest, or both, without any pretence of a fair consent or voluntary subjection of the people.”\textsuperscript{343} Government has always commenced with the usurpation of power by one individual or one group, and can never be legitimated antecedently. This much Hume maintains – almost too

\textsuperscript{340} Hume’s skepticism led him to conclude, “that one is, by turns, a philosopher and one of the ‘vulgar’, but never both at once…[one] should recognize the necessity of making certain kinds of judgment, while denying that these judgments have a foundation in reason.” Miller, 36.
\textsuperscript{343} MPL, “Of the Original Contract,” 471. \textit{Treatise}, 556.
strongly – so as to make the point that all governments (and most political thinkers) are hypocritical when it comes to this topic.

Hume maintains that as man is born into a family, he is compelled, predominantly for reasons of utility, to maintain society for three reasons: necessity, natural inclination, and habit. The point of an original contract is moot because it never existed; besides, Hume goes on to say, even if there was an original contract, it would do no good to those who are born into established governments. Thus, Hume targets Locke and his concept of tacit consent:

Can we seriously say, that a poor peasant or artisan has a free choice to leave his country, when he knows no foreign language or manners, and lives, from day to day, by the small wages which he acquires? We may as well assert that a man, by remaining in his vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean and perish, the moment he leaves her.

A government’s legitimacy derives from its utility, not from its consent, though consent can follow from the recognition of the government’s utility. Utility is a necessary cause for consent but not necessarily a sufficient one. It is not an objective measure that once reached obliges a subject to political allegiance. Rather, a more fundamental motive is the measure of utility: self-interest. Though the recognition of a government’s utility is a passive form of consent rather than an active one, Hume argues against contract theories that bypass utility altogether and translate historical acquiescence into political consent. If you were to preach that political connections were, “founded altogether on voluntary consent or a mutual promise,” Hume goes on

345 On this in the Treatise see 549-553.
346 MPL, “Of the Original Contract,” 475. Hume writes in the Treatise: “the far greatest part of the nation [never] consented to the authority of their rulers, or promis’d to obey them…they were born to such an obedience.” (548) Cf. Locke, Second Treatise, ¶119.
347 On this see Dees, “Hume and the Contexts of Politics,” 221-22.
348 On this see Whelan, 103-107.
to write, “the magistrate would soon imprison you as seditious for loosening the ties of obedience.”\textsuperscript{349}

Though philosophers have explained contract theory in terms of obligations on the part of both the sovereign and the subject, as if a choice and a promise were willingly made by each, Hume maintains that the opposite is true in practice. Princes, “claim their subjects as their property, and assert their independent right of sovereignty, from conquest or succession.” Likewise, subjects, “suppose themselves born under obligations of obedience to a certain sovereign, as much as under the ties of reverence and duty to certain parents.”\textsuperscript{350}

Hume sees human nature as a mix between self-interest and benevolence confined to those dependent upon us or those we know.\textsuperscript{351} These are natural virtues that regulate most human interactions. Rules of right and wrong, irrespective of the goodness or badness of the agent, i.e. his intentions, are what Hume calls artificial, and our observance of them artificial virtues. Such socially constructed rules are the foundation for what will be called below “genuine principle.” When government is established, those in power must devise a speculative (and thus artificial) system of rules, or principles, upon which they base their system of government. Some trace this system of principles to a deity while others trace it to an original contract. Interestingly, Hume argues that both systems are just, though not in the way intended


\textsuperscript{350} MPL, “Of the Original Contract,” 470.

by the parties.\textsuperscript{352} Regardless of the truth of either claim, government remains a practical construct. Hume points out the falseness inherent in most of the theories of a society’s founding because the value of government is in its operation and its usefulness for the subject. Thus, both sets of speculative principles are inherently moderate and just: one must start with a recognized balance of power and the other must allow for power sharing, both by the logic of their own right to exist.

\textit{On Husbandry and Commerce}

“A state is never greater,” Hume writes, “than when all its superfluous hands are employed in the service of the public.”\textsuperscript{353} Beginning with the initial husbanding of the land, and the initial surplus husbanded from it, to the commerce that both it and industry encourage, Hume describes in the \textit{Essays} the progress that results in the division of society, and the stability produced from this division. Thus, there is a direct link from one end to the other, from the production of the land to the stability of the state. In this section, a closer look will be taken at this process in order to examine how Hume’s understanding of husbandry and commerce complement sovereignty and liberty, in particular regarding division within a state.

Class difference and class structure do not appear instantaneously upon the formation of society, but stem from the practice of husbandry and increase upon the improvements of it. The different classes that exist and must exist in a healthy society, other than the landed and peasant classes, come from a natural progression of a society’s needs. As a result of the improved methods of husbandry and the division of labor, these divisions form factions, or interest groups within society. Artisans,

\textsuperscript{352} \textit{Treatise}, 466-67.
\textsuperscript{353} MPL, “Of Commerce,” 257.
merchants and those engaged in all forms of industry evolve to become the middlemen between the highest (landed) and lowest (peasants) ranks of society.

Much of Hume’s understanding of faction originates with man’s basic needs, and the things that result from these needs. “Every thing useful to the life of man arises from the ground; but few things arise in that condition which is requisite to render them useful.” Thus, only from a surplus of produce of the land can there arise a surplus of available workers who, as needs and invention require, may become artisans, manufacturers, soldiers, etc. Each group serves to make the initial produce of the land more useful and secure.

With a surplus production and the rise of industry, men develop private passions such as the desire for goods and luxury. These private passions serve to benefit the state by moderating the will of the monarch – that is, by limiting the monarch’s potential for achieving ambitions that may be detrimental to the subjects of the state. “The greatness of the sovereign, and the happiness of the state,” Hume writes in “Of Commerce,” “are in a great measure united with regard to trade and manufactures.” The monarch is obliged to promote commerce to a certain extent by appealing to the private passions of his subjects so that they might willingly produce a surplus of the land, believing they can spend it upon the commerce of private pleasures, the products of merchants. The majority of the surplus produced will be regulated by the government and converted into a tax that can then be employed for doing such things as waging military campaigns or building palaces. If the monarch were to force his subjects to produce a surplus, rather than go about it by this sleight of hand, he would not be a monarch but a despot. “Furnish him with manufactures and commodities, and he will do it himself; afterwards you will find it

356 On this topic and mutual security in Hume see the Treatise, 485-88, 491-92.
easy to seize some part of his superfluous labour, and employ it in the public service, without giving him his wonted return.”

As individuals become accustomed to luxury goods, they become less willing to part with them, and, “as the ambition of the sovereign must entrench on the luxury of individuals, so the luxury of individuals must diminish the force, and check the ambition, of the sovereign.”

Thus, ancient states, with their lack of luxury and commerce, were proportionally more powerful than modern states, since all or much of their excess production was put to martial campaigns instead of luxury goods. Their lack of self-interest, or redirection of self-interest, made state accomplishments greater.

Commerce has a similar taming influence upon the state; industry replaces ferocity, which is the expression of martial spirit, and honor, a more governable principle that, “acquires fresh vigour by that elevation of genius which arises from knowledge and a good education,” replaces courage. Both industry and manufacturing contribute to the social stability of the state because where luxury encourages commerce and industry, all classes stand to benefit: “the peasants, by a proper cultivation of the land, become rich and independent: while the tradesmen and merchants acquire a share of property, and draw authority and consideration to that middling rank of men, who are the best and firmest basis of public liberty.”

These “middling rank of men,” “covet equal laws, which may secure their property, and

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358 Ibid., 257. Cf. SPL, VII.4
359 Hume recognized in “Of Public Credit” that public credit could be a modern equivalent of public aggrandizement. (349-351) Robertson goes on to conclude that government is turned into the efficient cause of its regression if government is not framed to meet society’s increasing need for security with the minimum diversion of resources. Though he is right to consider the relation between industry, resource allocation and power, what Robertson neglects is Hume’s emphasis on how the sovereign power, acting politically and economically in its concentration of wealth, is the antecedent effect which prevents against the causes of regression in government. (154-56)
361 Ibid., 277. Hume was describing the liberty provided in England by the number of those men who were merchants or involved in industry, though it may include the landed gentry as well. Cf. “Of Public Credit,” 358. It could be argued that Hume, and other notable Scottish literati of the day, sought in this example to encourage the increase of such men in Scotland.
preserve them from monarchical, as well as aristocratical tyranny.”

Hume sees social division as a necessary step towards progress; commerce and industry promote and foster social division. A state without social differences that are reflected commercially will fail to progress, or at least lack enlightenment: “We cannot reasonably expect, that a piece of woollen cloth will be wrought to perfection in a nation which is ignorant of astronomy, or where ethics are neglected.”

Hume directed “Of Commerce,” to legislators and advised them to use their reasoning to appeal to the self-interest of every citizen. They should forget the ancient ethic of virtue that animated men along with like principles that Hume considered “too disinterested and too difficult to support.” Instead, legislators should understand the self-interested nature of men and harness the motivations which result from such self-interest. Indeed, it is the, “best policy to comply with the common bent of mankind, and give it all the improvements of which it is susceptible.”

By not encouraging legislators to reject or confirm the effects of commerce, Hume is encouraging them to appeal to reason over the right to rule, making government less harsh. By encouraging legislators to govern invisibly, he is promoting the reason that lies in independence without the desire for greater power, which constitutionally lies in “that middling rank of men, who are the best and firmest basis of public liberty.”

Once divisions are established within a state, the form of government and its associated principles promote or inhibit certain types of faction from forming. Commerce, Hume explains, neglected by the ancients, has today been the concern

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363 Ibid., 270-71.
364 Ibid., 263.
365 Ibid., 260.
primarily of moderate states, in particular maritime powers such as England and Holland. Commerce contributed greatly to principled faction by stipulating and encouraging social division, which in turn helped to promote the liberty of the state. Additionally, the arts, like commerce, are, “rather favourable to liberty, and [have] a natural tendency to preserve, if not produce a free government.”\textsuperscript{366} History, Hume claims, has shown that the arts flourish better when they are under a free state, though when such states lose their liberty (Greece after Alexander’s conquest and Rome after the republic became an empire, for instance) the arts decline due to the control a singular faction had upon the state. Both commerce and the arts are effects of the same cause – liberty – and liberty can only flourish where different interests are constitutionally permitted and pursue their own ends within the bounds of that state’s constitution. Thus, where different factions coexist the flourishing of both the arts and commerce are measures of the liberty that exists in the state.\textsuperscript{367}

Though moderate government should rely upon commerce and industry, it cannot be compared directly to it. Government itself cannot be built, tested, scrapped, redrawn and rebuilt like machinery: it must progress by “gentle alterations and innovations.”\textsuperscript{368} The most important aspect of government is not to attain perfection upon its founding, but to establish it in such a moderate form so as to have the potential to progress. On this point, Hume metaphorically compares government to influential discoveries made in the natural sciences, and the \textit{insignificance} such discoveries had upon the history of man’s progress. For instance, though Huygens

\textsuperscript{366} MPL, “Of Refinement in the Arts,” 277. In \textit{The History of England}, Hume remarks that liberty was abated under Charles II, as evidenced by the decline in the arts and sciences. VI, 541-43.

\textsuperscript{367} Italy and France are two exceptions, Hume clarifies. Commerce, predominant in republics, could not be said to flourish in only such states, as the case of France demonstrated to Hume’s contemporary audience. Hume writes, “private property seems to me almost as secure in a civilized EUROPEAN monarchy as in a republic” (“Of Civil Liberty,” 92-93). Cf. Montesquieu, \textit{The Spirit of the Laws}, XX.21. The liberty that existed under the Old Regime was increased by the institutional bodies within the state, predominantly via the bourgeoisie and the nobility of the robe. For a contrary understanding of this, where the emphasis is placed on the concentration of authority, see Robertson, 166.

\textsuperscript{368} MPL, “Idea of a Perfect Commonwealth,” 514.
would in time design a nautical clock that would revolutionize travel at sea, its nonexistence did not stop Columbus from sailing to America or Drake from sailing around the world. Likewise, government must serve the purpose of contemporary society, in all its imperfections, of which the absence of true harmony is one.

Faction must be permitted because it is a part of human nature. It is not only natural in a free state, but necessary for its survival as the imperfections of a free society lead to reform. “In a settled constitution [the people’s] inclinations are often consulted; but during the fury of revolutions, conquests, and public convulsions, military force or political craft usually decides the controversy.”

In order to have a government that serves the interests of the people, it is better to permit numerous factions to reform a constitution, Hume informs his readers, than to have one single faction decide its fate. This is especially true when factions represent the natural divisions of the state.

**On Principle and Interest**

Faction, for Hume, is not unique to any form of government. It can exist just as readily in a monarchy as it can in either a democracy or an aristocracy. To make this point, Hume references the *Annals* (6.42) in which Tacitus writes: “Supremacy of the people is similar to freedom: the distance is small between the domination of a minority and the whim of a monarch.”

A fine line exists between freedom and the tyranny that can result by allowing faction to go uncontested, especially when that faction’s stated principles or interests appear benevolent.

Division and the subsequent presence of faction is a naturally occurring phenomenon once men are joined in society. It is not only sown into the fabric of

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human nature, but results directly from man’s inevitable association “for defence, commerce, and government” in political society, from which moral and intellectual differences arise, as well as differences of principle and industry. These differences are not produced in “like proportions,” however. While political society makes men more similar by the adoption of a national character, distinctions such as talents, abilities, passions, morals and levels of understanding inevitably set them apart from one another.

The differences stemming from political society bring about private interests, which Hume insists men can only pursue within a political framework founded on opinion. In “Of the First Principles of Government,” Hume understands faction via the concept of opinion, of which there are two kinds: interest and right. Faction can arise as a result of both of these types of opinion, though the former contributes more towards principled faction and the latter towards singular faction. By interest Hume means, “the sense of the general advantage which is reaped from government; together with the persuasion, that the particular government which is established is equally advantageous with any other that could be settled.” When a faction is of the opinion that an existing government can best and most peacefully meet their interests (or possesses the potential for them to secure their interests), they will adopt the principles of that government, recognize the rights of other factions, and submit to the established sovereign.

Opinion of right is divided into the right to power and the right to property. The right to power is linked to men’s attachment to antiquity which, “always begets the opinion of right.” When of this opinion, a faction questions the very foundations upon which the government was constituted; the controversy between the

373 Ibid.
thèse nobilaire and the thèse royale of the Old Regime is one notable example. As he writes in “Of the Coalition of Parties,” the right to power questions such things as the, “essentials of government, the succession of the crown, or the more considerable privileges belonging to the several members of the constitution.” The right to property is all times an issue with which government is concerned, and should be one that is settled upon its founding. These two opinions of right are inextricably linked, for wherever, “the original constitution allows any share of power, though small, to an order of men who possess a large share of property, it is easy for them gradually to stretch their authority, and bring the balance of power to coincide with that of property.”

Between these two types of opinions, of right and interest, there exists a difference of sincerity and intensity. When men are of the opinion of right, “they are apt, without shame or remorse, to neglect all the ties of honour and morality, in order to serve their party.” If there is a faction set upon an opinion of right that is contrary to the previously established rights of power or property, that faction will seek to subvert the sovereignty of the constitution. Yet, when the interests of a faction match those of the established government, “there is no occasion where men discover...a more determined sense of justice and equity.” Opinions of interest motivate factions to acquiesce to the established government whereas opinions of right can inspire opposition and confrontation.

Faction is further understood by the passions that inform its principle(s) and by which it is motivated to act, passions which Hume describes as general or unique. More natural and ordinary passions such as greed are categorized as general passions

376 Ibid., 35.
377 Ibid., 33.
378 Ibid.
and, “are fitted to operate on a multitude, are always of a grosser and more stubborn nature, less subject to accidents, and less influenced by whim and private fancy, than those which operate on a few only.”

Thus, something like commerce can be explained more easily as a cause than can learning, which is more prone to chance due to personal curiosity, cultivation, and a love of knowledge. Learning itself may arise from a general cause, which is the cultivation of a whole people, but only a few may have the aptitude or desire to acquire it, making the desire for knowledge a unique passion.

Unique passions do not necessarily aim at attaining the truth; the aim is more the skeptic recognition that the general rules we follow are in fact socially constructed.

Interestingly, some unique passions may in fact be general ones, even though society has termed them otherwise. For instance, men may invert normal moral judgments into virtues by the appreciation of those qualities that are normally regarded as vicious: celibacy, fasting, mortification, etc.

Faction does not break down exactly according to the passions it promotes, since the many members who compose a faction hold various passions. Passions can relate more or less so to the dominant interests or principles held by a faction, however, and in this way have more or less influence within the faction. Accordingly, a faction’s size depends upon the passions that it may promote. For instance, a passion for commerce, which follows from the more general passion for self-interest, will appeal to a greater number of people and subsequently have a larger force in and

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379 MPL, “Of the Rise and Progress of the Arts and Sciences,” 112. Hereafter cited as “Arts and Sciences.”

380 Cf. Treatise, 180-81. Unique passions are reasonable and arise from the probability of knowledge in every situation.

381 Ibid., 149-50. It is the “wise” man who, when it comes to custom, can separate judgment from the imagination and admit to its contrariness brought about by our individuality; the “vulgar” need general rules and exceptions with which to guide their explanations.

among factions than, say, the passion for philosophical truth. Unique passions will not always be so benign, however, nor general passions so self-serving.

Each faction acts upon a unique principle and interest, “without which they could scarcely ever be dangerous or violent.” Regardless of virtue, “there are enough of zealots on both sides, who kindle up the passions of their partisans, and, under pretence of public good, pursue the interests and ends of their particular faction.” The Court and Country parties, being unique products of the British constitution that resulted from the two Revolutions of the seventeenth century, are motivated by both principle and interest, principle being the cover for interests imbedded in the parties themselves. The difference between the two, principle and interest, is critical to Hume’s concept of faction, as one can be a cover or smokescreen for the other. Leaders of the parties are more often motivated by interests, while members of lower ranks are commonly motivated by principle. Nevertheless, there are unique differences among the two, interest and principle, and times when one is often mistaken for the other.

Concerning the above, it is best to understand what Hume means by “interests” as that which may be an unprincipled, or rather material, motivation. In his essay “Of Parties in General,” Hume expands upon the notion of “interests” by designating categories for the motivations that describe the ways in which each faction may act, or may be interested to act. These motivations may be “real” or “personal.” By “personal,” Hume means a faction founded on friendship or animosity among contending parties and which arise most easily in small republics, where every domestic quarrel can become an affair of state. Here, factions may have a personal

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384 MPL, “That Politics may be Reduced to a Science,” 27.
385 MPL, “Of Parties in General,” 56: “I must acknowledge, that parties are seldom found pure and unmixed.” On parties being both interested and principled see Miller, 174.
interest, namely, interests that are respective of and dependent upon the interests of other factions.

By “real” is meant factions that may be, “founded on some real difference or sentiment or interest.”³⁸⁷ Real motivations can be broken down further into three types: interest, principle or affection. “By parties from affection,” Hume writes, “I understand those which are founded on the different attachments of men towards particular families and persons, whom they desire to rule over them.”³⁸⁸ This affection, the closest to Hume’s description of “personal” motivations, can be moderate though it can also rise to extremes as it questions the right to power, as discussed above, becoming very violent. This type of faction also tends to persist after the initial difference that instigated the faction is lost. “When men are once inlisted on opposite sides,” Hume writes, “they contract an affection to the persons with whom they are united, and an animosity against their antagonists: And these passions they often transmit to their posterity.”³⁸⁹

Animosity will almost always exist where factions are founded on real and material differences, which is what Hume typically means by a motivation of interest, though this is not always the case, as will be explained below. The orders in society, “nobles and people, soldiers and merchants, have all a distinct interest.”³⁹⁰ Due to the selfishness inherent in human nature, factions that are primarily motivated by material interests are the most reasonable and excusable since for Hume, they reflect material differences more so than ideological ones. Even though real differences of interest

³⁸⁸ Ibid., 63.
³⁸⁹ Ibid., 58. Controversies over articles of faith, Hume insists, maintain such absurd levels of ignorance.
³⁹⁰ Ibid., 59.
always appear to be material, they may actually be as slight as a difference in complexion, as Hume remarks when discussing the Moorish civil wars.391

Parties may also be formed on a “real” difference of principle, by which is meant a shared religious or political principle, though parties formed on real differences of principle, Hume insists, are known only to modern times. He did recognize, however, that, “sects of philosophy, in the ancient world, were more zealous than parties of religion,” and yet, he maintains that, “in modern times, parties of religion are more furious and enraged than the most cruel factions that ever arose from interest and ambition.”392 Hume admits that theological principles, when set in opposition to passions, do not often have a great influence over men or kings, “yet when they become symbols of faction, and marks of party distinctions, they concur with one of the strongest passions in the human frame, and are then capable of carrying men to the greatest extremities.”393 There is an obstinacy found in parties based on real differences of principle which is intolerant of any different principle.394 The problem lies in human nature, which parties based on real differences of principle have manipulated. They cannot let pass the opinions of others without knowing them, and once those opinions are known, they cannot accept any contradictions without becoming offended. They profess an extreme form of virtue, intolerant of contradictions, and cannot tolerate any apparent difference or hypocrisy in men. Thus, Hume insists, the persecution of differences in principles of religion, particularly the Christian religion, has been the “poison” and main cause of faction in every government.395

391 Ibid., 56.
392 Ibid., 63.
393 History, VI, 389.
395 Ibid., 62.
This is not, however, the whole story. Religious factions, when engendered by the people, are founded upon the difference of principle (by which they are motivated), but when they are engendered by priests, “who are the prime movers, they are really factions of interest.” This reasoning helps to better explain Hume’s conclusion that the leaders of parties are motivated by interests, while the party followers are more often motivated by principle. Hume had in mind more recent examples, such as the religious division of English politics that changed Court and Country parties into Cavalier and Roundhead respectively. In this way, factions that appear to be motivated by principle may actually be led by those whose interests are ideological, and ultimately material in the form of power or wealth, for instance.

Hume is walking a fine line here: “genuine” principle is benign (think gallantry, virtue, honor or even religious principle that accepts such principle as useful for society) but other forms of principle, or what is often seen as religious principle led by priests, are actually interests; hence what is meant above by a “smokescreen.” It is an understatement to assert that Hume had little faith in religion, and his passion to expose the blanket of ignorance organized religion kept over society comes to the forefront at this point. Religious principle he saw as dangerous, but not necessarily the fault of the followers. The fault, and the difference, lay with the leaders of religion, or those who created and maintained the falseness of religious principle for their own interests. The same goes for leaders of groups who may not be religious but whose principle may have a similar negative impact upon society.

As not to further complicate the issue, this difference will be referred to as genuine principle: principle that is held by followers or those who recognize the utility

396 Ibid.
398 Ibid., 68. Between these two parties material, “interest had no general influence in this contest: So that ROUND-HEAD and CAVALIER were merely parties of principle.”
of principle while not necessarily accepting its credibility; and interested principle: principle that is held by those who have more sinister interests at heart, often ideological or otherwise. The term “genuine principle” is used here as Hume defines artificial virtues in the Treatise. That is, they are guides of conduct that are not naturally observable traits of behavior, but socially constructed (and rather inflexible) rules that regulate human behavior. 399 That said, it should be emphasized that Hume had no belief in principle, whether genuine or interested; the former, however, he believed to be much more innocuous than the latter. All principle for Hume was socially constructed and moreover lacked the truth it claimed to possess. It took a “reasonable” man to recognize this, even though most reasonable men subscribed to certain principles, usually for reasons of utility, habit or self-interest.

The difference between these two types of principle becomes clearer in examining what Hume means by the terms “enthusiasm” and “superstition.” As Hume explains it, enthusiasm, which is engendered by genuine principle, is the spirit of “bold and ambitious tempers,” and leads men to question, challenge and confront authority. 400 Enthusiasm maintains independence, and a reasonable man would recognize this, even though he may also recognize that such enthusiasm may be, at the end of the day, a social construct. On the other hand, superstition “renders men tame and abject.” 401 The superstition that derives its force from religious (i.e. interested) principle makes passive followers of men, no matter what principle that religion or group may profess. Enthusiasm, on the other hand, though not free of

399 Treatise, 477-84.
400 MPL, “Of Superstition and Enthusiasm,” 78.
401 Ibid. Enthusiasm does have its drawbacks, however. The cry against popery during the reign of Charles II had not come from religious zeal as much as it came from party zeal. The “spirit of enthusiasm” brought about “so much mischief,” that people soon began to lose faith in their cant. Later, Hume describes Algernon Sidney – a man who retired rather than sacrifice his principles to Cromwell, or to any man – as a man in “no wise tainted with enthusiasm.” History, VI, 377; 435.
prejudice or violence, helps to preserve the spirit of liberty, even in those nations, such as France, where it may be thought lost.\(^{402}\)

Faction is governed by both principle and interest, yet the leaders are more often than not concerned with the latter though they profess the former. Indeed, leaders may be motivated more by ideological premises based upon material interests (interested principle), which seek such things as wealth or power, than philosophical premises. Men who are motivated by genuine principle may be more reasonable, but reason cannot vindicate many of the judgments we normally make, even though we nonetheless are led (by a natural necessity) to make these judgments. Because of these two contrasting facts, reasonable men recognize the existence of contrary impulses within the mind and endeavor to achieve some kind of internal balance that does not give way to a naïve confidence of our judgments nor to the full extent of skepticism.\(^{403}\) Reasonable men also recognize that reason can never provide a motive for action, and that “reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them.”\(^{404}\) They recognize that men are inherently hypocritical in their actions, something which cannot be avoided. This is why, for Hume, genuine principle such as gallantry or honor is unobjectionable. Hume may have even been quite an honorable man in his actions, indeed he was known to be, but it is doubtless that he also recognized and accepted the absurdity of the claims upon which such principles rested.

It might be asked in review of the above, should not the leaders of faction, the few, hold unique passions (the love of knowledge) and subscribe to genuine principle (honor), as these men would be the most reasonable and impartial, especially in

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\(^{402}\) MPL, “Of Superstition and Enthusiasm,” 79. Certain corporate bodies in the state and certain motivating principles, such as honor, were believed to be forms of enthusiasm, and not superstition.

\(^{403}\) Cf. \textit{Treatise}, 183.

\(^{404}\) \textit{Treatise}, 414-15. This oft-quoted passage is a pivotal part of Hume’s moral philosophy, which put him in direct opposition at the time to the Presbyterian clergy.
political affairs? Not necessarily, Hume concludes. Among a people where principle is valued in society, the political system must mirror the social one, no matter how contradictory that may be. Nothing bars the leaders of faction from being duplicitous, just as most men are. Leaders may be genuinely principled men who hold general passions (greed), or alternatively, men of interested principle who in the end have only their own interests at heart and yet still, for some reason, cling to unique passions such as the love of knowledge.\footnote{Certain vices, such as pride, could be virtuous in political function. By looking at individual character traits as means, and not ends, Hume praised such traits as useful, though not necessarily agreeable to the actor (or others): pride, audacity, courage, vigilance, ingenuity, etc. See his character sketch of Henry VIII, for instance. \textit{History}, III, 322-23. His sketch of Charles I is rather the inverse. \textit{History}, V, 542-43. The former was a bad man, but a great king, the latter was a good man but a weak king. Cf. Dees, “Hume on the Characters of Virtue.”} Though men may be more consistent in their private lives, the contradictory nature of their public ones is quite evident.\footnote{Hume’s portrayal of Walpole is characteristic of this trend in seeing both good and bad in men in their public and private lives. See “A Character of Sir Robert Walpole,” 574-76.} It is, “a just \textit{political} maxim, \textit{that every man must be supposed a knave}: Though at the same time, it appears somewhat strange, that a maxim should be true in \textit{politics}, which is false in \textit{fact}.”\footnote{MPL, “Of the Independency of Parliament,” 42-43. Hume goes on to write, “Honour is a great check upon mankind: But where a considerable body of men act together, this check is, in a great measure, removed; since a man is sure to be approved of by his own party, for what promotes the common interest; and he soon learns to despise the clamour of adversaries.”} Because men are inconsistent in their public and private lives, political hypocrisy must be tolerated. This conclusion is an important one in Hume’s thought and will be reexamined below. After examining political man, one finds Hume’s solution in the political system; it is the government form that must adapt to man, and not man to the government form.

The question remains, what tips the balance for politicians, genuine principle or personal interests? As Hume concludes, leaders of faction will most often be motivated by interest and not principle (even though such actions may be reasonable). In moderate governments, however, Hume identifies two fundamental limiting factors. 

\footnote{MPL, “Of the Independency of Parliament,” 42-43. Hume goes on to write, “Honour is a great check upon mankind: But where a considerable body of men act together, this check is, in a great measure, removed; since a man is sure to be approved of by his own party, for what promotes the common interest; and he soon learns to despise the clamour of adversaries.”}
which force politicians and magistrates to adhere to forms of genuine principle, namely sovereignty, a subject which will be discussed in greater length throughout the rest of this chapter, and gallantry, the external quality of character that pervades English politics.

Though Hume calls gallantry “the produce of courts and monarchies,” he equates it with politeness. This deviates from a Montesquieuan conception of honor and resonates more so with that author’s description of the principles that motivate the English government; a mix of principles which, like their government form, does not originate from monarchy alone, but from the republican elements of the government and from the commercial spirit that pervades public affairs.\footnote{Cf. SPL, XI.6 and III.3} To wit, gallantry is the public recognition of a superior/inferior relationship, and the public reversal, or public renunciation, of it, though privately the relationship of authority is always maintained. It is hypocritical at the point of expression, where the potential use and abuse of power meet, and moderates the selfish instincts of the more powerful.\footnote{MPL, “Arts and Sciences,” 132-33.} Thus, chivalry, hospitality and charity are examples of gallantry. This reversal, in effect a false one, moderates the bond of authority between superior and inferior subjects. The modesty of the superior is a form of tribute given to the inferior for his or her compliance in the structured relationship; this tribute in turn reaffirms the authority of the relationship.

Gallantry is necessary in a monarchy, Hume maintains, and particularly so in a mixed monarchy like England, though it is not necessary in a republic. An example of this difference can be seen in government form, one form that requires principle to moderate and regulate passions, and another form that does not:
In a government, such as that as FRANCE, which is absolute, and where law, custom, and religion concur, all of them, to make the people fully satisfied with their condition, the monarch cannot entertain any jealousy against his subjects, and therefore is apt to indulge them in great liberties both of speech and action. In a government altogether republican, such as that of HOLLAND, where there is no magistrate so eminent as to give jealousy to the state, there is no danger in intrusting the magistrates with large discretionary powers; and though many advantages result from such powers, in preserving peace and order, yet they lay a considerable restraint on men’s actions, and make every private citizen pay a great respect to the government.\(^{410}\)

In a monarchy, the imbalance is so great that the monarch fears the jealousy of his subjects. In order to bring about a more moderate relationship, he grants his subjects liberties that he might not otherwise have granted (and which are already granted in a republic). In this way, the relationship between the monarch and subject is guided by a principle of give and take (similar to the taxing of surplus labor), which is how Hume’s concept of gallantry functions.

Forms of genuine principle, such as gallantry, bind one’s actions to the code of justice. Nothing can, “restrain or regulate the love of money, but a sense of honour and virtue; which if it be not nearly equal at all times, will naturally abound most in ages of knowledge and refinement.”\(^{411}\) This is a reciprocal relationship, Hume tells us. Virtue and good morals, “proceed entirely from the virtuous education of youth, [and are] the effect of wise laws and institutions,” which, in turn, educate us to follow those laws.\(^{412}\) Gallantry, Hume writes, “is not less compatible with wisdom and prudence, than with nature and generosity; and, when under proper regulations, contributes more than any other invention to the entertainment and improvement of the youth of both sexes.”\(^{413}\) Gallantry instructs the young to seek out the unique passions that may serve them best in their lives, but also gives them the prudence to

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\(^{412}\) MPL, “Of Parties in General,” 55.  
\(^{413}\) MPL, “Arts and Sciences,” 133-34.
see the justice in genuine principle over flagrant self-interest. Principle instructs a subject to follow the laws of his state, and he does so because to be seen doing so is the principled thing to do. Most importantly, it is now in his self-interest to be seen as principled. Principled motivations overcome interested motivations because principled actions are pursued for self-interested ends. Such motivations also help to smooth over the inconsistencies between one’s public and private self.

_On Government Form_

In an ideal world, one could assume from a cursory reading of his essay, “Idea of a Perfect Commonwealth,” a republican form, complete with local democratic politics, would constitute Hume’s preference for a national government. He did not, however, write practical essays for perfect worlds. He recognized the danger of hypothesizing ideal outcomes with conditions that were, and always would be, flawed. He thus attempted to write political essays that could be interpreted by his contemporary audience in contemporary terms; an educated public opinion was, for Hume, an essential aspect of political authority.

Hume explains this view in his essay, “Whether the British Government Inclines More Towards Absolute Monarchy, or to a Republic.” In Britain, “the tide has long run, and with some rapidity, to the side of popular government, and is just beginning to turn towards monarchy.” Yet, if the British government were to expire, Hume sardonically remarks, he would rather see an absolute monarchy run the nation to ruin than a republic, for the republic that would arise is a far worse alternative to an absolute monarchy. It is indeed conceivable that there could exist republics more perfect than absolute monarchy, but Hume doubts that any of them

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414 Mossner remarks that the form of government suggested in this essay is “so restricted as to be impracticable.” (269)
415 MPL, “Absolute Monarchy or…Republic,” 51.
could ever exist in Britain. If one did, however, and the House of Commons were
to govern the nation alone, Britain would, “suffer all the tyranny of a faction,
subdivided into new factions,” until an absolute monarchy were again formed.
Absolute monarchy is therefore the better of two evils, the less painful and quicker of
two deaths; it would be, Hume mordantly warns those who seek perfection in
government, “the true Euthanasia of the BRITISH constitution.”

Both a student of history and well aware of the diverse reality of the
contemporary political scene, Hume’s preference became one not of form, but of
substance. He sought to capture what it was about free states that made them so,
focusing primarily on the liberty provided by a mixed form of government. Hume
defined a free state as an improvement upon both the monarchical and republican
forms. It is, simply put, a state, “which admits of a partition of power among several
members, whose united authority is no less, or is commonly greater, than that of any
monarch; but who, in the usual course of administration, must act by general and
equal laws, that are previously known to all the members, and to all their subjects.”
Nevertheless, free states are not free of faction. In fact, “to abolish all distinctions of
party may not be practicable, perhaps not desirable, in a free government.”
Free states by their nature are the cause of faction, though they can also
provide the means for their improvement. Factions, Hume writes in “Of Parties in
General,” “propagate themselves faster in free governments, where they always infect
the legislature itself, which alone could be able, by the steady application of rewards
and punishments, to eradicate them.” Thus, in a free state, there is a give and take

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416 Ibid., 52.
417 Ibid.
418 Ibid., 53.
which provides the liberty for factions to exist but also reins in that liberty before it becomes mere licentiousness.\footnote{This works between the powers of the government as well. Cf. “Of the Independence of Parliament,” 45.} “Liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence: and in those contests which so often take place between the one and the other, the latter may, on that account, challenge the preference.”\footnote{MPL, “Of the Origin of Government,” 41.} A free state must therefore not only provide liberty, but maintain the necessary authority needed in order to limit the degenerative tendency liberty may encourage.

Hume called the “\textit{balance} of power” in a state a secret, known only to the present age.\footnote{MPL, “Of Civil Liberty,” 53.} He insisted that all European states had undergone a great change for the better in modern times. Monarchical government had vastly improved and, Hume writes, “it may now be affirmed of civilized monarchies, what was formerly said in praise of republics alone, \textit{that they are a government of Laws, not of Men.”}\footnote{Ibid., 54.}

In contrast to Eastern populations, Europeans are more independent because of their many divisions and distinctions. Hume demonstrates this independence by examining the different relationships that exist between Eastern and European peoples and their respective princes. The former make little or no distinction among the whole of their subjects, while in Europe, a monarch provides other sources of honor, “beside his smile and favour.”\footnote{MPL, “That Politics may be Reduced to a Science,” 22.} These sources of honor, all sources of division within a state, might include birth, titles, possessions, valor, integrity, knowledge, or achievements. If these divisions do not exist when an Eastern people is conquered, Hume explains, there will not be a single distinction with which to raise them from

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\item \footnote{This works between the powers of the government as well. Cf. “Of the Independence of Parliament,” 45.}
\item \footnote{MPL, “Of the Origin of Government,” 41.}
\item \footnote{MPL, “Of Civil Liberty,” 53.}
\item \footnote{Ibid., 54.}
\item \footnote{MPL, “That Politics may be Reduced to a Science,” 22.}
\end{itemize}
defeat. Rather, they are uniform in their submission to whomsoever conquers them. On the other hand, in Europe, those who hold positions of distinction would not only fight to retain those distinctions, but if they were defeated they would, “encourage the vanquished to take arms.”

In this way, the division of the European state into multiple corporate bodies defends the collective liberty of the state.

“I am apt to think,” Hume writes in “Of Civil Liberty,” “that in monarchical governments there is a source of improvement, and in popular governments a source of degeneracy, which in time will bring these species of civil polity still nearer an equality.” Hume gives the example of public debt, which often weakens republics in the exorbitant debts they contract, to illustrate this point. A monarch, on the other hand, can claim bankruptcy, and his people be not oppressed by his debts; a republic must groan under the debt that only the people can relieve, until it becomes a prisoner of its own liberty. A monarch will also be more tolerant of conquered or newly acquired territory, whereas the opposite is often true of a republic. The subjects of a monarch are all the same to him, old or new territories alike, and so he will (or should) treat all with benign indifference when it comes to enforcing law. Until men learn to love their neighbors as themselves, as Hume notes, a republic composed of legislators, who are also the conquerors, “will be sure to contrive matters, by restrictions on trade, and by taxes, so as to draw some private, as well as public advantage from their conquests.”

427 Ibid. Montesquieu makes this same argument in the Persian Letters (89). The desire for glory, which is driven by self-interest, requires personal freedom and is a result of the way in which monarchies function, Usbek explains. Because honor can be accorded despite the monarch’s opinion, unlike in the East, it is valued that much more. In The Spirit of the Laws, Montesquieu calls the distinctions, “formalities,” and applies it to both European monarchies and republics. (VI.2, XVII.5)

428 MPL, “Of Civil Liberty,” 95. Concerning commerce, this tendency was true as well. Hont explains it best: “When large monarchies replicated the trade of republics, Hume claimed, the causal nexus between liberty and commerce was reversed. Liberty, originally a prerequisite of commerce, became its most important political consequence.” Jealousy of Trade, 23.

429 MPL, “That Politics may be Reduced to a Science,” 19.
Though monarchy may provide certain cures to ills the republican form cannot remedy, this should not lead one to conclude that Hume considered republics completely degenerative. In fact, Hume maintained that, “however perfect, therefore, the monarchical form may appear to some politicians, it owes all its perfection to the republican.”

Though Hume was talking about separate polities, he also had in mind mixed constitutions where one part of the constitution, in this case the republican, could continually refine the other, the monarchical. Before exploring the mixed constitution Hume had in mind – England – this section will continue by examining Hume’s thought on three separate concepts: monarchies, republics, and the influence various characteristics of each can have upon a state.

Hume believed that men were at first awed by the force of government and subsequently convinced of its necessity by the justice it brought about; this necessary force being brought about by the influence of one man. In the initial stages of government – a state of nature if you will, though Hume employs the term sparingly – the first man to rise and create peace and order out of chaos was a man of valor and superior talents. Such men, in time styled monarchs, were at first unrestrained and barbarous, as were the powers they delegated to their ministers or magistrates.

Hume does not dwell on the how and why of a monarch’s ascendancy to, or usurpation of, power but continues directly by examining how such a claim to power

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430 MPL, “Arts and Sciences,” 125.
432 MPL, “Of the Origin of Government,” 39. Similarly, and where he does use the term state of nature, Hume compares the authority of a captain of American Indians in war to the rudimentary beginnings of government: Treatise, 539-41. Earlier in the Treatise, however, Hume writes, “philosophers may, if they please, extend their reasoning to the suppos’d state of nature; provided they allow it to be a mere philosophical fiction, which never had, and never cou’d have any reality.” (493) Montesquieu considered the debate surrounding the origins of society to be equally absurd; see Persian Letters, 94.
433 MPL, “Arts and Sciences,” 116-17.
gained credibility. It is only natural that from a position of power, and the natural obedience of those in his society that followed, the newly positioned monarch would dispense stations to those who proved their loyal service to him. Shortly thereon, an army would be kept in order to protect the interests of the society, and this corporation would soon discover its interest in supporting the king’s authority. In this way, government was raised, and continued, as, “habit soon consolidates what other principles of human nature had imperfectly founded; and men, once accustomed to obedience, never think of departing from that path, in which they and their ancestors have constantly trod, and by which they are confined by so many urgent and visible motives.” Once the question of credibility has been satisfied and sovereignty established, monarchies, especially European monarchies, have a way of moderating themselves, a trend which, as noted above, continues more often in monarchies than in republics.

The increasing stability of the state resulted from the moderation of the monarchs themselves. Even when a constitution permitted tyranny, it was not always the case that the state would succumb to it; the quality of its leader more often determined the moderation of the state. Between Henry III and Henry IV, for example, “the difference of the temper and conduct of these two sovereigns,” directly resulted in the moderation of the state. Hume recognized that this process of

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434 Forbes argues that this is a “logical gap.” (318) That is to say, Hume never explains in detail the transition from a barbarous to a moderate monarchy, nor does he give an example of what such a monarchy in transition might look like. Additionally, Hume does not adequately explain how republics come about. On this see Robertson, 163, 174-75. Though a weakness in Hume’s argument, it could be argued he was unconcerned with its coherence as much it might have been an heuristic approach to bigger claims he would later make. See Treatise, 540-41, 556-59: here Hume connects the right to power to his second right to property, long possession; it is interesting to note that he does not connect it directly to the fourth right to power (succession) though the two could be said to complement (in the imagination) more than they exclude one another. Before succession come present possession and conquest.


436 MPL, “Of Civil Liberty,” 95.

437 MPL, “That Politics may be Reduced to a Science,” 15.
moderation could function the other way around as well: certain forms of monarchy could stabilize the state. Namely, Hume had an ingrained preference for hereditary monarchy, instead of elective ones since in the latter, “the filling of the throne…is a point of too great and too general interest, not to divide the whole people into factions: whence a civil war, the greatest of ills, may be apprehended, almost with certainty, upon every vacancy.”**438**

The tendency Hume recognized in monarchies to more firmly establish law and sovereignty begets his concept of an ideal sovereign. This relationship (similar to gallantry) is one where the, “people cherish monarchy, because protected by it: the monarch favours liberty, because created by it.”**439** If the monarch were to take away the liberty of his subjects, he would be taking away the same liberty, or conditions of liberty, which placed him upon the throne. In this way, the concept of the sovereign becomes more important to the operation of the government than the sovereign himself. Thus, the founding of government by usurpation becomes an increasingly moot point. That a government has become moderate and will remain moderate (by settling the questions of the right to power) is the only important issue with which Hume concerns himself. The “justice” of a state is determined by its utility, not the manner in which it was founded.

Like a monarchy, a republic is barbarous in its initial founding, though in time it, “necessarily, by an infallible operation, gives rise to LAW, even before mankind have any considerable advances in the other sciences.”**440** Republics, like monarchies, are thus moderated by the necessary existence and operation of their constitution; both forms evolve to become moderate states. Unlike monarchies, however, the force

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**438** Ibid., 18.
**439** MPL, “Of the Protestant Succession,” 506.
**440** MPL, “Arts and Sciences,” 118.
of a single man cannot create a republic; the balance of power laid out in its constitution is too complex. Whereas monarchy depends on the will of one man, a republic relies on the wisdom of its laws and institutions. A republican government would be an “obvious absurdity,” Hume explains, “if the particular checks and controls, provided by the constitution, had really no influence, and made it not the interest, even of bad men, to act for the public good.”

Between two contemporary republican examples, the aristocratic constitutions of Venice and Poland, Hume preferred the former as it relied more upon the system as a whole than upon the autonomy of its parts. That is, the Venetian constitution depended on each noble’s purchase into the system whereupon each noble’s authority rested solely on the mutual recognition of the authority held by the other nobles. In this way, a nobility, “who possess their power in common, will preserve peace and order, both among themselves, and their subjects; and no member can have authority enough to control the laws for a moment.” The Polish constitution, on the other hand, granted autonomy to each of its nobles, regardless of any purchase into the system. As a result, singular faction capable of destroying the constitution could arise from any individual fief because it was not beholden to any other power in the state. Under this constitution, individual powers had no way of being checked. Two differences, of substance and not of form, mark these constitutions: liberty and authority. In contests between these two, Hume maintains, authority may “challenge the preference.” In the Polish constitution, factions were given too much liberty to act on their own behalf, which in turn led to the lack of recognition given to any

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441 MPL, “That Politics may be Reduced to a Science,” 15-16.
442 Ibid., 17.
central authority. In the Venetian constitution, however, the combined authority of collective recognition mitigated each faction’s liberty.

The characteristics that a state may possess, such as climate, terrain and size, can further influence the types of faction that may or may not arise within the government. As a result of their climate and terrain, different areas of the world have historically produced many small nations living in close proximity which, “by breaking the progress of authority, and dethroning the tyrannical usurpers over human reason,” have encouraged the rise of the arts and sciences and been the birthplaces of free or moderate governments.445

The size of a nation can also have an influence upon faction, particularly if the appropriate checks are not in place. Extended territories, Hume concludes, result more often in absolute governments. Small countries are more often free because they are more capable of stopping both power and authority from being usurped by dominant factions.446 Over extended territories, Hume remarks, the Catholic Church has assumed the role of educating the areas of its influence, forcing the disappearance of different sects, and different forms of learning. Similarly, a large state like China can spread a single form of learning since no one has the courage to resist the torrent of popular opinion, which is controlled by the faction in power.447 As a result, unless otherwise mitigated, large states can give rise to one dominant faction, while small states possess the ability to resist the usurpation of power by one faction.

Hume’s thought on this topic is not so simple, however. As will be shown below, Hume reverses the above thinking on state size and faction, in order provide republican cures for democratic ills. Hume had little faith in pure forms of

445 MPL, “Arts and Sciences,” 123.
446 Ibid., 120.
447 Ibid., 122.
democracy, especially in small states, though this is not to say he was not a democrat, of sorts. He believed strongly that the people should have a voice in government, but he also knew that the weakness engendered by the multitude of their numbers as well as their inclination to follow popular trends would need to be corrected if the people were to have any voice in government that did not lead them directly into the hands of a tyrant. The effects of unmitigated democracy (which was nothing more than uneducated public opinion) without representatives or constitutional checks resulted in, according to Hume, a typical pattern of decay, as was demonstrated by the Roman republic awaiting the despotic power of the Caesars and the stability they promised.

The constitution must be made to fit the size and temperament of the people, and so where a country is too large for a democracy, Hume found republican cures for the democratic ills of faction. Size appears to be the problem for the democracies Hume discusses, though it can also be the solution, if the size of the state is enlarged and the republican form is adapted. The large size of a republic does not hinder its ability to deal with pernicious faction, but instead contributes to the control of it. A large government could help remedy, Hume believed, both the tendency towards mob rule in a democracy and the oppressive and jealous nature of an aristocracy.

As a democracy’s ability to deal with faction is also related to the size of the state and the proximity of its citizens, no matter how divided the people are into separate groups or interests, “their near habitation in a city will always make the force of popular tides and currents very sensible.” Hume assumes that the people may

448 MPL, “Of the Populousness of Ancient Nations,” 406-16. This trend is indicative of Hume’s thought found in the Treatise. “As in strings equally wound up, the motions of one communicates itself to the rest; so all the affections readily pass from one person to another, and beget correspondent movements in every human creature.” Treatise, 576.

449 MPL, “That Politics may be Reduced to a Science,” 25-26. Similarly, Hume makes lengthy comments in “Of the Original Contract” upon the factious struggle that ensues when there is a lack of a sovereign, usually as a struggle to assert oneself, or one’s party, as sovereign. (478-485)

already be divided into parties, but regardless of such division, the intense proximity of their habitation can break down their factional barriers and contribute to the destruction of the established sovereignty of the people via an immoderate and disingenuous popular tide. This mode of thought is in some ways contrary to what Hume writes in “Of the Rise and Progress of the Arts and Sciences,” discussed above, yet when discussing his “perfect commonwealth,” Hume is attempting to cure the inconveniencies of democracy by inventing a republican system that divides the people. This makes them at once closer to their local politics and yet farther from the national affairs where the locus of sovereignty is held. Hume does not want to do away with local politics, he just wants to separate the negative tendencies of local politics from national affairs.

The people have a literal right of debate through their representatives, Hume explained, and not just a right of resolution, which is the only result of a body that is too large for debate. The solution, therefore, is to, “divide the people into many separate bodies, and then they may debate with safety, and every inconvenience seems to be prevented.”451 The closer the people are to their representatives the better able they are to choose them,

The lower sort of people and small proprietors are good enough judges of one not very distant from them in rank or habitation; and therefore, in their parochial meetings, will probably choose the best, or nearly the best representative: but they are wholly unfit for country meetings, and for electing into the higher offices of the republic. Their ignorance gives the grandees an opportunity of deceiving them.452

This means, as well, that the representatives should reserve their independence and not remain delegates; for if they did, there would be little or no difference made in removing the people from the national meetings.453 Indeed, Hume’s republican

451 Ibid., 523.
452 Ibid., 522.
thought continually stresses the limited role the people should play in the affairs of
government.

If faction is allowed to exist in the legislative branch, it can resist the force of
popular currents since the people are “more susceptible both of reason and order”
when broken down into smaller bodies.\textsuperscript{454} By breaking them down and incorporating
the people into smaller bodies, one creates numerous factions that will cling to and
defend their opinion of the right to power and property. But, like the Venetian
republic, such opinions are only valid upon the mutual recognition of the rights of
others, thus limiting the negative tendencies of faction motivated by an opinion of
right.

A republican form of government should be constituted to fit the state so that
the distance from the people to the executive is drawn out. In this way, momentary
popular tides could not have the capability to easily execute their actions. A
graduated system of elections according to merit or ability, for instance, of a large
state makes it, “very difficult, either by intrigue, prejudice, or passion to hurry them
into any measures against the public interest.”\textsuperscript{455} Though Hume admitted it would be
more difficult to form a republican government in an extensive country than in a city,
he remarked that, “there is more facility when once it is formed, of preserving it
steady and uniform, without tumult and faction [since] it is not easy for the distant
parts of a large state to combine in any plan of free government.”\textsuperscript{456} Accordingly, if
popular tides brought about by singular faction do arise, they will be unlikely to form
a majority large enough to execute constitutional change. Extended size also prevents

\textsuperscript{454} Ibid., 28.  
\textsuperscript{455} MPL, “Idea of a Perfect Commonwealth,” 528.  
\textsuperscript{456} Ibid., 527.
both the unnecessary combination and division of the magistrates in a republic.\textsuperscript{457}

Thus the government form prevents spontaneous acts of a majority that might be immediately disingenuous to a minority, and ultimately harmful to all, save the few whose real interests would be served. Thus, a republic’s size can be a part of the “justice” of the system.

On Political Moderation

The development of law, which Hume calls, “the source of all security and happiness,” “arises late in any government, and is the slow product of order and of liberty.”\textsuperscript{458} Though law may arise sooner in a republic, it becomes an integral part of a monarchy as well. Once men experience the rule of law, whether in a monarchy or a republic, it, “will scarcely ever perish through the ill culture of men, or the rigour of the seasons.”\textsuperscript{459} Hume insists that when under established law and a common sovereign, factions will not want to work against or destroy the laws if the absence of law is worse than its imposition or its constraints. In this way, faction intuitively learns to work within the law and adopts a long-term understanding of justice. Hume’s concept of justice thus comes full circle, and just as it applied to individuals who give up their sovereignty to the magistrate in order to stop themselves from committing acts that are not in their long-term interest, so too do factions within the government submit to the sovereign in order to stop themselves (and others, more

\textsuperscript{457} Ibid., 525: “It is necessary, likewise, to prevent both combination and division in the thousand magistrates. This is done sufficiently by the separation of places and interests.” This argument is of course brought up again, and made more famous, in Madison’s tenth letter in \textit{The Federalist}. On Hume’s influence on Madison see, Douglass Adair, “That Politics May Be Reduced to a Science” in \textit{Fame and the Founding Fathers: Essays by Douglas Adair}, ed. Trevor Colbourn (Indianapolis: Liberty Fund, 1998), 132-151; and, Garry Wills, \textit{Explaining America: The Federalist} (New York: Doubleday and Co., 1981).

\textsuperscript{458} MPL, “Arts and Sciences,” 124.

\textsuperscript{459} Ibid.
importantly) from destroying the same laws which protect their long-term interests. This is, of course, principled faction.

The English constitution, according to Hume, evolved as a result of natural social division, subsequently adapting a concept of justice into its operation. The English, Hume writes, are a politically fragmented people who do not have an established national character, “unless this very singularity may pass as such.” In England, “all sects of religion are to be found among them; and the great liberty and independency which every man enjoys, allows him to display the manners peculiar to him.”

Like human nature, faction is sown into the fabric of the English constitution as a result of the discordant character of the nation. So long as England continues to be governed by a moderate monarchy that allows for individual liberty, parties will exist to represent the factional interests which make up that nation. Politically, this is the result of a government that is “neither wholly monarchical, nor wholly republican,” but instead a mixture of monarchy, aristocracy and democracy where clergy, gentry and merchants are all in positions of authority.

The differences between the republican and monarchical elements of the government also result in differences within the state. Republics, Hume maintains, favor the growth of science, and as a result, more “useful” men can succeed. Monarchies, on the other hand, favor the growth of the polite arts, denoting that more “agreeable and witty” men can rise to the top. Additionally, the slight differences in the characters of those in power can have a more general influence upon the national character, since, “the imitation of superiors spread[s] the national manners

463 MPL, “Arts and Sciences,” 117-18, 124.
faster among the people." As England is a mixed constitution, therefore, the respective parts of government will encourage the rise of different types of men.

These distinct groups will find preference in and with different elements of the constitution. In England, a natural division occurred between men who preferred the monarchical and men who preferred the republican elements of the constitution. Those who are more mild, more apprehensive for peace and order will prefer the monarchy, while those who are of bold and generous spirits, who are “passionate lovers of liberty,” will identify with the republican elements of the constitution. Interests will likewise separate according to the principles that motivate them. The clergy, for instance, will tend to side with the monarchy (and thus the Court party), as the liberty of thinking and action promoted more often by the Country party is almost always dangerous to priestly powers. Propertied faction, in contrast, finds its representation in the republican element of the constitution as a bulwark to the power of the Crown.

This division was an evolution, Hume is careful to stress throughout his political essays. English history provides valuable lessons as to the effects faction can have upon the state, effects which are both accommodating and unsuitable to the constitution. More recent cases of singular faction arose as a result of the party rivalry preceding the English Civil War, Hume explains, creating the Roundheads and the Cavaliers, later to be the Country and Court parties, respectively. Whig and Tory parties subsequently arose under Charles II, which was an anachronistic development in Hume’s opinion, but they changed, adapted, lost and gained power, to such an

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466 MPL, “Of the First Principles of Government,” 35. See also, “Absolute Monarchy or…Republic,” 48: “It is evident that much less property in a single hand will be able to counterbalance a greater property in several; not only because it is difficult to make persons combine in the same views and measures; but because property, when united, causes much greater dependence, than the same property, when dispersed.”
extent since then that Hume had trouble defining exactly what they stood for; as they are “sometimes without any material difference,” “we are at a loss to tell the nature, pretensions, and principles, of the different factions.” Indeed, the Whigs, who in principle are an opposition party, “must be sensible, that the very principle, which made the strength of their party, and from which it derived its chief authority, has now deserted them, and gone over to their antagonists.”

To make the correlation of Tories to Cavaliers, and Whigs to Roundheads, is correct, though there remain differences: “A TORY, therefore, since the Revolution, may be defined, in a few words, to be a lover of monarchy, though without abandoning liberty, and a partisan of the family of STUART: as a WHIG may be defined to be a lover of liberty, though without renouncing monarchy, and a friend to the settlement in the PROTESTANT line.” Hume is not judging the party system here as much as he is observing it. Regardless of the appellation or correlation of the parties, Hume observed that their existence and survival through both civil wars, along with their subsequent contributions to the balance of power within the government, greatly contributed to the strength of the English constitution.

As an observer more so than a critic, Hume had an extraordinary laissez-faire attitude towards the English constitution, in part because he recognized the checks and balances inherent in its operation. This was also because he believed the constitution to be elastic in times of crisis, not only as a result of the prerogative lodged in the executive but also because of the concession given by the legislative to

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467 History, VI, 381. MPL, “Of the Parties of Great Britain,” 70. Hume explains this development in The History of England: The struggle before the Glorious Revolution was a struggle between the powers of the state which were largely split along party lines. Factions at this time did not resort to arms as they once did. They did resort to legal means, however, which they corruptly put to use in executing innocent men. Legal means were a step up from open arms, though party rage still cost men their lives. Growing pains indeed for the development of party politics. (VI, 404)


the concept of a sovereign, even though (and partly because of), as mentioned above, he or she that filled that concept might be fungible (and indeed was). In the Treatise, Hume even goes so far as to suggest that the “wise” allow the “vulgar” to select the person who might rule.\textsuperscript{470} In this case, Hume’s wise man is principally a man who recognizes that consensus around authority is more important than the selection of a particular person to wield it.\textsuperscript{471} The result of this is that faction had not been able to disrupt the English state since the last decade of the seventeenth century, primarily because those involved in internal politics had settled their disputes on the right to power and agreed upon a common sovereign, desiring stability over dominance.\textsuperscript{472}

Such reasoning led to two conclusions. First, factional strife in the English constitution could never be eradicated. Second, and because of the first, faction must be permitted, and one’s trust put in the constitution to control its effects. Hume gives two examples as proof that one could trust the resiliency of the constitution: the Revolution of 1688/9 and the accession of 1714. Indeed, to the idea of constitutional failure, Hume remarks: “if our constitution…does not, in fact, provide any such remedy, we are rather beholden to any minister who undermines it, and affords us an opportunity of erecting a better in its place.”\textsuperscript{473} It is the constitution that forms the ministers, not the other way around. Hume therefore pleads to the Court and Country parties to limit their zeal, admit they are not fighting for “hearth and home,” and not, “change a good constitution into a bad one, by the violence of their factions.”\textsuperscript{474}

\textsuperscript{470} Treatise, 566.
\textsuperscript{471} Cf. Miller, 91.
\textsuperscript{472} MPL, “Of the Protestant Succession,” 508.
\textsuperscript{473} MPL, “That Politics may be Reduced to a Science,” 29-30.
\textsuperscript{474} Ibid., 31. Cf. Montesquieu, Considerations, I, 25. Like Montesquieu, Hume did not trust chance to provide an adequate system of laws for posterity. He writes in “That Politics may be Reduced to a Science,” “Wise regulations, in any commonwealth, are the most valuable legacy that can be left to future ages.” (24)
Still, Hume struggled with one major problem: if the need were to arise, what could be considered legitimate opposition to the sovereign? We have seen that Hume recognized the danger of faction, as evidenced by his warning above. Additionally, we have seen how the key to the stability of the state is the submission of all faction to a common sovereign. If faction were to reverse this stability, collectively or individually, by deposing of a sovereign, there would no longer be any check upon that faction. So, how could faction help to save the constitution?

Recent history taught Hume not only that the established rules of sovereignty could be rewritten, but that partisans on both sides of the issue could rationalize their conclusions, regardless of historical accuracy. Unlike most Whig writers, he did not attempt to rewrite British history in order to better support a cause, nor did he maintain that 1649 and 1689 were acts of regicide. In the end, his conclusion, expanded upon in his essay “Of Passive Obedience,” skirts both of these answers but maintains two points. That is, the welfare of the public is necessary above all else, and in order achieve what is in the public interest, the nominal sovereignty provided by a monarchy must be maintained.

Hume insists that tyrannicide and assassination, instead of making monarchs more fearful or passive, make sovereigns more severe and are dreadful alternatives to keeping sovereigns in awe.\textsuperscript{475} A sovereign cannot be effective if a coequal (or greater) branch threatens its existence. There remains the additional problem of obedience to an enraged or fearful sovereign, particularly when that sovereign may be reacting against perceived threats and acting tyrannically. “Common sense” teaches a subject to obey the government, “only on account of its tendency to public utility.” So, if the sovereign threatens that utility, “duty must always, in extraordinary cases,

\textsuperscript{475} MPL, “Of Passive Obedience,” 490.
when public ruin would evidently attend obedience, yield to the primary and original obligation.”476 The original obligation Hume is referring to is an obligation to justice, which, “is founded entirely on the interests of society.”477 Even though the act of resistance may be a rare occurrence, when the execution of that justice no longer serves the interests of society and would cause more harm than good, “that virtue must be suspended, and give place to public utility.”478 The obligation to the sovereign must be loosened.

Hume was rather silent with regard to the doctrine of resistance, though he believed, as one commentator puts it, that “to keep too quiet about it would be to disable forms of political action that [he] saw as crucial to liberty.”479 Though he appreciated the ways in which enthusiasm reacted against encroaching power, he believed that resistance should really be, “the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny.”480 Elsewhere, Hume described the “true rule of government” as “the present established practice of the age” for the simple reason that it has the, “most authority, because it is recent: It is also best known, for the same reason.”481 Stability, therefore, should be valued above civil war. Even though men are self-interested, that self-interest is limited, even in the defense of political liberty. Certainly it is not in one’s interest, for example, to die for the defense of liberty, even though that liberty may be in one’s interest. In this way,

476 Ibid., 489.
477 Ibid.
478 Ibid.
480 MPL, “Of Passive Obedience,” 490. Hume is much less cautious on this topic in the Treatise where he states plainly, “Government is a mere human invention for the interests of society. Where the tyranny of the governor removes this interest, it also removes the natural obligation to obedience. The moral obligation is founded on the natural, and therefore must cease where that ceases.” He goes on shortly thereafter, however, to state that “nothing can be more pernicious and criminal” than the resistance to supreme power in the ordinary course of human affairs. (552-53) It is not hard to rectify these two comments as the former is inert and diagnostic, whereas the latter is anxious of the prescriptive measures that have historically been carried out. Cf. SPL, V.13.
men endure political tyranny, because self-interest is not a strong enough motivation to overcome the risk of death; or, better put, it is in one’s interest to stay alive. Enthusiasm, however, is a stronger motivation, stronger at least than normal self-interest. Enthusiasm incites men to risk their greatest possession (their lives) for the defense of an intangible principle, liberty.\footnote{Krause, “Frenzy, Gloom, and Spirit of Liberty in Hume,” 299. Dees, “Hume on the Characters of Virtue,” 57-58. Montesquieu equally recognized the difficulty of resisting despotism. See SPL, V.14.\footnote{MPL, “Of Passive Obedience,” 491. Hume explains this as the Whig reasoning at the Revolution. Part of the reason for resistance at that time, and why it was tolerable in hindsight, was that there was no political recourse to do otherwise. As Hume explains, the laws of England still made resistance treason, with no exceptions. Here, “the greatest virtue will be exposed to the most severe proscription.” Ironically, the same laws that declared resistance a high crime could only be saved by committing such high crimes. \textit{History}, VI, 389.}}

There are only two valid reasons that one may use to resist a sovereign. The first is if one’s antagonists carry the doctrine of obedience so far as not to admit of any exceptions. It is always necessary, Hume clarified, to insist upon such exceptions when they are positively excluded by others.\footnote{MPL, “Of Passive Obedience,” 491. Hume explains this as the Whig reasoning at the Revolution. Part of the reason for resistance at that time, and why it was tolerable in hindsight, was that there was no political recourse to do otherwise. As Hume explains, the laws of England still made resistance treason, with no exceptions. Here, “the greatest virtue will be exposed to the most severe proscription.” Ironically, the same laws that declared resistance a high crime could only be saved by committing such high crimes. \textit{History}, VI, 389.} Only singular faction cannot tolerate contradictions in men, and so exceptions must always be allowed for. Obedience, complete with a lack of any opposition, inevitably leads to tyranny. English factions after the Glorious Revolution had settled their opinions of the right to power, according to Hume. This was the largest and most important issue to settle, even though the factions still differed in their real interests of affection (their affinity for ruling or previously ruling families) that could (and some Jacobins would) eventually question the right to power. If, however, all those who differed in their real interests of affection were excluded, the Whigs would have been acting tyrannically and there would have been no settlement, which was an act carried out in coalition.\footnote{\textit{History}, VI, 502.}

The second right to resistance has to do with the arbitrary nature of an immoderate sovereign. The sovereign, though limited by the law, is also above the law. Because he is above the law, he feels a level of safety, which he encourages
others to have as well. Since neither the laws nor the people can attack the prince, he has no legitimate reason to attack them in turn; the people should be free from monarchical oppression. If, however, the monarch were to abuse the liberty of his prerogative by acts of injustice, the people have one remaining right; as, “a right without a remedy would be an absurdity; the remedy in this case, is the extraordinary one of resistance.”

Such reasoning gives legitimacy to struggles of resistance, but Hume does not say where and when resistance should start. Instead, he appeals to history. Resistance, according to Hume, should occur more often in a limited monarchy since where a king is an absolute sovereign he should have little reason to tyrannize his people. In a limited monarchy, such as that of Charles I or James II, their, “imprudent ambition, without any great vices, [ran them] into that perilous situation.” As a result of mistaking the nature of the British constitution for something it was not (a more absolute monarchy than it really was), these two men acted imprudently and indiscreetly by attempting to extend the authority they were never given.

It was not that either of these two men acted recklessly; Hume is quick to explain their actions as logical, though ill timed. Unlike many of their predecessors, they were never granted the absolute power exercised by their continental counterparts, and as limited monarchs, they were expected to maintain a balance of power by enforcing its division among the different bodies of the state. This included resisting the temptation to usurp power in performing this function. Yet, under Charles I and James II, the great constitutional questions had not yet been settled, and controversy arose over the use of prerogative:

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487 MPL, “Absolute Monarchy or…Republic,” 50.
men knew not upon what principles they could deny that prerogative, they saw, that, if they would preserve their laws and constitution, there was an absolute necessity for denying, at least for abolishing it. The revolution alone, which soon succeeded, happily put an end to all these disputes: By means of it, a more uniform edifice was at last erected: The monstrous inconsistence, so visible between the ancient Gothic parts of the fabric and the recent plans of liberty, was full corrected: And to their mutual felicity, king and people were finally taught to know their proper boundaries.\textsuperscript{488}

The monarch should be a legal authority who, though with great authority, is also possessed of legal bounds, “which terminate both the hopes and pretensions of the person possessed of it.”\textsuperscript{489} These bounds are the laws established to limit excesses, and as such, the monarch has more to fear than hope for in usurping power past the prescribed limits of the law.

How is such a delicate balance of power maintained in the state? Even though it may seem unreasonable, what keeps the sovereign from seeking to permanently appropriate the power that emanates from his position? Alternatively, what keeps the republican power in check when it becomes too great? Indeed, how does England stop the rise of arbitrary power? By drawing on conclusions from above, the remainder of this chapter will examine Hume’s answers to, and elaborations upon, these questions in order to demonstrate how his understanding of principle and faction was used to explain the balance of power in the state.

Hume recognized that the answer to the above questions lay in the separation of the branches of government, and in particular how the interaction between these branches was regulated. The British monarchy was operationally moderate because the monarch’s veto to any legislation was applicable only after it had passed through both houses of Parliament. Alternatively, if the negative were placed before

\textsuperscript{488} \textit{History}, VI, 475-76.
\textsuperscript{489} MPL, “Absolute Monarchy or…Republic,” 50.
legislation entered Parliament, as a censor upon the will of the people, the monarchy would have been absolute. Yet, since “few princes will venture to reject the unanimous desire of the people” they remain freer to govern themselves.\textsuperscript{490}

As remarked above, Hume’s republican thought stresses the limited role of the people in government affairs. This does not mean, however, that they should not involve themselves in other ways. Thus, another part of Hume’s answer to this question lies in an alternative, almost organic, solution, one that has nothing to do with government form: the liberty of the press. This solution constantly fluctuates according to popular opinion, though it is not dictated by it and could be said rather to dictate popular opinion. This liberty rests on something greater and more essential, and is a result of established law, though law and liberty are parts of a complementary process. Hume explains how this established law creates an environment where the liberty of the press can be used to balance power in the state: “as the republican element prevails in ENGLAND, though with a great mixture of monarchy, it is obliged, for its own preservation, to maintain a watchful jealously over the magistrates, to remove all the discretionary powers, and to secure every one’s life by general and inflexible laws.”\textsuperscript{491} This phenomenon is unique to the English who maintain a general “spirit” discouraging of arbitrary power. “The spirit of the people must frequently be rouzed, in order to curb the ambition of the court; and the dread of rouzing this spirit must be employed to prevent that ambition.”\textsuperscript{492} It is the liberty of the press that rouses this spirit. “As long, therefore, as the republican part of our government can maintain itself against the monarchical, it will naturally be careful to keep the press open, as of importance to its own preservation.”\textsuperscript{493} The press ensures

\textsuperscript{490} MPL, “Idea of a Perfect Commonwealth,” 515.
\textsuperscript{491} MPL, “Of the Liberty of the Press,” 12.
\textsuperscript{492} Ibid.
\textsuperscript{493} Ibid., 12-13.
political actions are not contradictory to their intended end; if they are, the press reports them. Established law creates the stability that is needed for the liberty of the press, and in turn, the liberty of the press exposes and checks the rise of arbitrary power.

Faction cannot and must not be wholly independent, as it was in the Polish republic. Figuratively speaking, different factions within the state must be tied into the constitution, complete with a buy-in on their part; or in other words, they must be made to purchase what they cannot return, thus making that purchase more valuable. What factions purchase is the right to be represented under a common sovereign, this sovereign being the one who holds their currency as well as the power to reject that currency should it be proven counterfeit.

As explained above, Hume considered a political position more important than the person who filled it. This belief held true for political branches, as well. Indeed, “no part ought to decide for itself.”494 An individual interest should not decide for itself or the nation except by the agreement of the whole. Hume is not specific on how such a system of annulment would work, though he does remark in his description of a perfect commonwealth that every county law could be vetoed by either the senate (a national body) or another county. This type of veto moderates factions by limiting their potential to assume unwarranted power. In a monarchy, of course, a process of annulment would be much simpler as it comes from a sovereign. Yet, in Hume’s “ideal” republic, the lack of a recognized sovereign is overcome by distributing the veto power so that collectively it still carries as much weight.

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Hume is more specific, however, on the distribution of veto power in England, where he insists that the privileges of the British people have increased as a result of the enfranchisement of a greater percentage of the population during the seventeenth and eighteenth centuries. Larger interests were dissolved to create more numerous ones, “by the division of church lands, by the alienations of the barons’ estates, [and] by the progress of trade.”

According to Hume, this weakened the sovereign with regard to the other branches of power in the state, most notably the Commons. As a result of this, Hume was insistent that the House of Lords ought to be strengthened to provide a balance to the Commons, as well as a concerted resistance to the sovereign. Hume characterizes this resistance as “interests” within the House of Lords, meaning those factions who have an interest in maintaining their privileges and no more. Indeed, a means of balancing the House of Lords vis-à-vis the Commons is to instill in or connect to the House of Lords, rather than the House of Commons, those men who have a concerted interest intimately linked to the welfare of the nation, including the preservation of liberty and sovereignty, both of which in turn safeguard their interests. Thus the House of Lords, “would consist entirely of the men of chief credit, abilities, and interest in the nation…[whereupon] such an aristocracy would be an excellent barrier both to the monarchy and against it.”

Manzer assumes that Hume’s “middling rank of men” was represented in the House of Commons. However, they were in both the House of Commons and the House of Lords. In fact, if Hume were being prescriptive, it would seem he was encouraging that “middling rank of men” to be instituted in the upper House as a result of his general weariness towards the tendency of popular rule in the lower House. In “Of the Coalition of Parties,” Hume explains that those who argued for an

495 MPL, “Of the Protestant Succession,” 505.
497 Manzer, 489.
increase in the power of the Commons were appealing to “ancient institutions” which were not analogous to the contemporary constitution. The Commons had originally held almost no power, and the only power that could restrain the King was the “seditious” feudal barons, as Hume puts it. The barons eventually lost the ascendancy over the King, and the Commons only gained power (in particular via property) as a result of the liberty and security that was provided by the power of the monarch over that of the “seditious” barons. Furthermore, in *The History of England*, it was the Lords, in the absence of the Commons, who took control of handling the revolution settlement. Perhaps Hume had a greater appreciation for the permanency found in the upper House.

Hume recognized that the English constitution divides those who hold the most powerful opinions of the right to power and property into a separate branch of government. From this separate branch, the power of the individual monarch is moderated even though the importance of the position is maintained since, like the Venetian Republic, the House of Lords’ authority only comes from a mutual recognition of the other branches in the state, most importantly the monarch. This keeps the republican element subordinate in the constitution to the monarchical element, but still allows it to demand the rule of law.

In the essay “Idea of a Perfect Commonwealth,” Hume posits many additions and changes to the republican form of government, as it was generally known at that time, though his basis for comparison comes mostly from England’s mixed constitution. In this essay, Hume highlights how he would deal with the passions and principles that beget singular faction. As much as he sought to mitigate against the

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499 *History*, VI, 518.
rise of arbitrary power by combination or usurpation, he also sought to provide division sufficient enough for honest representation and protection against cabal, though not so much as to render the senate ineffective. “There are two things to be guarded against in every senate,” Hume writes, “its combination and its division.”

Against malevolent combination Hume provided the following remedies: the dependence of the senators upon the people by annual elections, the limited amount of power they could delegate, and the court of competitors. Hume’s answers to the problem of malicious division were: their limited size, the reluctance to give into one single faction as a result of their dependence on the people and not simply one separate interest, their ability to expel any factious member, and finally, the stability inherent in the character of the senators themselves, a stability which will carry over into the regulation of their own affairs within the senate.

No improvement is more interesting or novel, however, than Hume’s concept of the “court of competitors” which acts as a nominal shadow government, though it holds no power and concerns itself primarily with the inspection of public accounts, the accusation of wrongdoing, and the proposition of new laws. This body, composed of men who were not successfully elected to the body of the Senate but received more than one third of the votes, remains ineligible for any office for one year, or while they are seated in the court of competitors. In this way, Hume channels a natural passion inherent in faction, jealousy, and employs it towards two ends, both to the benefit of the state. First, those seated in the court of competitors are allowed to exercise their time and energy towards the discovery of corruption in the body to which they failed to be elected. Jealousy, spite, intrigue – all human passions that are

501 The limited amount of power the senate can delegate also has to do with the size of the state Hume envisions, and the distribution of the powers within that state.
known to destroy government – are here employed to encourage integrity and limit hypocrisy in the highest level of the government, the senate.

That said, the second end concerns the dialectical and comprehensive relationship between the senate and the court of competitors. The court of competitors, “being composed of men that are their rivals next to them in interest, and uneasy in their present situation, will be sure to take all advantages against them.”

The faction composed of those who might remain envious of power and spiteful of the system that led to their electoral loss – indeed, the faction that might be most pernicious to this form of government – is institutionally corralled into the court of competitors. As noted above, the senators, those who have been successful in their election against those who compose the court of competitors, must be above reproach in all of their dealings, for if they are not, they risk exposure by those who most covet their position. The potential for unmitigated faction is institutionally limited and controlled. In this way, Hume permits of faction, in fact he institutionally fosters it in order to head off the potential, one could say anticipated, clash of interests within the state. Most importantly, those in the court of competitors do not question the right to power because they cling to the belief that their interests can still be served in the governing process, if not adequately when out of the senate, then adequately when they are (eventually) in office.

At this point, we begin to see that Hume is describing something extremely similar to the British system with which he was intimately familiar. His court of competitors has faint echoes of an opposition party. Even though this is a “perfect commonwealth,” Hume has the British example constantly in mind; indeed, this “perfect commonwealth” cannot be properly understood unless it is seen in the light

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of the British example. In comparing the two Hume writes: “The chief support of the British government is the opposition of interest: but that, though in the main serviceable, breeds endless factions. In the foregoing plan, it does all the good without any of the harm. The competitors have no power of controlling the senate: they have only the power of accusing, and appealing to the people.” Here Hume improves upon the British system as he notes that this is a part of what faction should be and do: it is operationally negative against other faction, in that it only has the power of oversight by accusation and no positive powers with which to manipulate the constitution towards its own interests. By doing this, Hume also makes a sleight of hand concerning government composition, one which he never outwardly discusses, for reasons that should become evident. That is, party and personal loyalty are divided by awarding first and second place. Institutionalizing the human passions according to second-best (natural passions such as jealousy and spite) and victor (constructed or feigned passions according to the responsibility of the position) reforms these passions and guards against the negative potential of factious parties to question the right to power.

Hume’s concepts of principle and interest, discussed in the third section of this chapter, now become more relevant. The duplicitous and often hypocritical nature of party leaders is now directed to ends that benefit the state. Those who are victorious in elections may feign genuine principle (it should be remembered that the leaders of parties are more often motivated by interest, while members of lower ranks are more commonly motivated by principle) so to pretend one is acting on principle is to be expected. Yet, the presence of the court of competitors makes sure that even though

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503 It is argued by Mossner that the “perfect commonwealth” itself was written with Holland in mind, a point with which I do not disagree; England or Holland, the “perfect commonwealth” could be seen for the sake of comparison in the light of either. (269)
such genuine principle may be feigned, it nevertheless provides the motive for one’s actions instead of momentary and personal interests. It limits the hypocrisy of party leaders so that principled ends are achieved.

Another key concept resurfaces in this essay: justice. The interaction between the court of competitors and the senate is akin to the individual’s understanding of justice. Long-term interests are acted upon in the senate because the court of competitors makes sure that they are. Senators, or factions within the senate, are not permitted to exercise their authority for temporary and personal gain. They can only act upon what would be justifiable to all. Just as the individual is hampered in attaining ephemeral and decidedly personal interests by established law, the senate is hampered in attaining ephemeral and distinct factional interests by the scrutiny of the court of competitors.

Like his contemporary Montesquieu, Hume encouraged “moderation” and a “moderate monarchy,” but precisely what he means by the term moderation is difficult to define. Perhaps it is best to understand what Hume meant by understanding what he did not mean, and certainly he did not intend moderation to mean inactivity. Likewise, he did not believe that the subjects of a state should be so constantly vigilant as to be paranoid, a state of mind that was all too easy to reach when party politics were involved. Even in Great Britain, “where the utmost liberty is allowed,” Hume recognized that partisans were more than likely to take their attacks or defenses of ministers to an extreme, allowing the republican form of government, and the liberty it allows, to incur the greatest factional strife.\textsuperscript{505} Though Hume acknowledged the importance of party politics, he also recognized the neglect such a

\textsuperscript{505} MPL, “That Politics may be Reduced to a Science,” 27.
system of politics could have for the public. Because of this, Hume, for his part, sought to encourage moderation, something which he thought might be best encouraged by increasing the zeal for the public, not the private, realm and trying, “to draw a lesson of moderation with regard to the parties,” which divide a country. At the same time, he sought to make sure that this moderation did not, “abate the industry and passion, with which every individual is bound to pursue the good of his country.”

When the interest of each branch of government (or their respective factions) concurs with that of the public, meaning that they are settled upon the same opinion of the right to power, “we may pronounce that government to be wise and happy,” but if separate interests are not checked and do not have the same ends as that of the public, “we ought to look for nothing but faction, disorder, and tyranny from such a government.”

“All questions concerning the proper medium between extremes are difficult to be decided,” Hume confessed in “Of the Independency of Parliament.” Conflicted between these two extremes, moderation becomes for Hume a golden mean. “Moderation is of advantage to every establishment: And an over-active zeal in friends is apt to beget a like spirit in antagonists.” Faction must not add unnecessary fuel to factional strife, but should rather encourage the recognition among and between interest groups that natural divisions within the state can benefit the public, as well as individual interests. This requires what Hume called “reasonable men,” those who recognize the absurdity and the utility of social constructs like party politics. Those who will recognize this most easily are what Hume calls the “middling rank of men” who, after all, “are the best and firmest basis

507 MPL, “That Politics may be Reduced to a Science,” 27.
509 Ibid., 46.
of public liberty.” Hume was not encouraging a government run by elites, nor one where absolute equality leads to a communal existence. The former he insisted led to tyranny, the latter to stagnation, and ultimately tyranny.

These “middling rank of men” are capable and reasonable men whose actions are mitigated by opinions of interest and not opinions of right. Their motivations are indeed personal, but as reasonable men they realize the social utility of principles such as gallantry and enthusiasm. And, acting according to self-interest, they recognize that multiple factions are necessary in order to guarantee not only their individual rights and interests, but their own usefulness to the public. They become factions that follow Hume’s advice in “Of the Coalition of Parties”:

There is not a more effectual method of promoting so good an end, than to prevent all unreasonable insult and triumph of the one party over the other, to encourage moderate opinions, to find the proper medium in all disputes, to persuade each that its antagonist may possibly be sometimes in the right, and to keep a balance in the praise and blame, which we bestow on either side.

Hume sums this up by writing, “let us, therefore, rest contended with asserting, that two opposite vices in a state may be more advantageous than either of them alone; but let us never pronounce vice in itself advantageous.” Vice is not advantageous but useful, if used in the right proportion. Reasonable men who act out of utility, habit, self-interest, or a combination of the three, realize the practical side of party politics and so permit it for the good that it can do.

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4 § A Prudent Party for Remarkable Men

*Party is a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed.*

It is a constant wonder to the liberal mind as to how far tolerance should extend. Often, such a lack of consideration on this topic has allowed the forces of either political extreme, which are not after all so far apart in their ends, to dictate the object of their agendas. States have been lost when the question of indecency has gone unanswered, or even worse, unasked. Political correctness gone awry or the overt tolerance of evil doctrines have both been reasons for the collapse of states. Those who do not seek to find in practice the balance between liberty and authority, but rationally assume their appropriate extent, are left with the dilemma of where to draw the line between the two. Though vociferous in his attack on those who had crossed the line, Burke himself was vague on where exactly that line was situated.

When does tolerance lead to danger, or worse to anarchy? How does the most tolerant nation on earth, and the most prolific writer on that nation, deal with this “liberal dilemma”? Indeed, what is the political balance between tolerance and discrimination whereby the former provides for the liberty of the subject and the latter the security? The dilemma rests upon the (ever illusive) point where the two meet, without infringing upon either liberty or security. Before examining this in detail, it

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514 PD, 150.
is worth remarking on a related story with which Burke begins the third of his *Letters on a Regicide Peace*. Here, he recounted the fabled story of an English country squire gone on a continental tour in order, “to see the world, and to become knowing in men and manners.” After arriving in Constantinople, the squire set out on a stroll whereupon he was assaulted by a Turk who proceeded to kick him for being an infidel in a city of true believers. Not knowing what to do, and wanting to avoid further insulting his host-of sorts, “he thought it better, as better it was, to assuage his bruised dignity with half a yard of square balmy diplomatick diachylon.” His fellow travelers soon inform him that it is simply the customs of the country, and that he should try his luck in enjoying Constantinople on another promenade. The squire, however, thought differently. “What! have I come at all this expense and trouble, all the way to Constantinople only to be kicked? Without going beyond my own stable, my groom, for half a crown, would have kicked me to my heart’s content.” The squire, tolerant to the point where his tolerance got him assaulted, returns to England, and Burke says he is right to do so.

In this way, Burke’s tolerance is unique. It is not the typical English tolerance; remember, the squire’s fellow travelers encourage him to stay and to accept the difference in manners as foreign customs. Burke’s squire will not accept or apologize for the Turk’s base customs. Rather, he will hold the moral high ground and refuse to understand what it is that makes the Turk’s customs what they are. Any attempt at understanding or tolerating them would be to the detriment of his own character, and he does not mean to debase his own high principles in the name of diplomacy, or what today one might call political correctness. Patience, for instance,

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516 Ibid., 201.
517 Ibid., 202.
is not always a virtue, and neither is tolerance. When the patience of fortitude becomes the patience of sloth or weakness; when personal character is derided in the name of tolerance; when character stands for accepting all customs, even base customs, in the name of tolerance; when character is tolerant of dangerous, derisive and derogatory custom in the name of political correctness, virtue has turned into vice. By way of allegory, Burke explained to his reader that principle was under attack. His response to the French Revolution would be his counter attack, as well his clearest answer to the “liberal dilemma.”

There is great consistency in Burke’s thought, though it may be more apt to say there was consistency in the thought that was a product of his life-long pursuit. Exactly what he pursued is debatable. Burke’s legacy lives on in people who have identified his pursuit with their own, and it has been at times destroyed by those who have systematically undermined any credibility to such a pursuit, namely by, and by those associated with, Sir Lewis Namier. Conor Cruise O’Brien, the man who did the most to discredit the Namierites, perhaps best understands this pursuit. According to O’Brien, Burke was fighting the arrogance of power, identified as the area where overconfidence and cruelty overlap.\textsuperscript{518}

Throughout his parliamentary career, four main themes composed Burke’s “great melody,” as O’Brien put it: Ireland, America, India, and France. Over each issue Burke would be accused of inconsistencies or ulterior motives, but his actions were consistent and surprisingly selfless.\textsuperscript{519} Burke maintained his opposition to Irish

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\textsuperscript{519} James Conniff, \textit{The Useful Cobbler: Edmund Burke and the Politics of Progress} (Albany: State University of New York Press, 1994), 18. Like O’Brien, Conniff notes that Burke’s thought on America, France, and Ireland was consistent, though unlike O’Brien, he concluded that in trying to combine aristocratic leadership with reform and popular support, Burke consistently failed at all three.
independence in 1781, for instance, while supporting American independence. Though he was much maligned for this ostensible inconsistency (why freedom for America and not his homeland?), the two positions were consistent. By 1781, Burke considered America lost from the Empire; moreover, independence was for a people demanding its freedoms. Ireland, it could be said, was not yet found; Irish independence was wholly inimical to Burke’s vision of progress. It would mean putting government into the hands of an oppressive minority, something he could not support.\footnote{O’Brien, 200. This resistance was also rooted in the difference between the English Revolution, a popular revolution, and the Revolution in Ireland, carried out by a small faction over the body of the people. (479) Conniff, 252.}

Burkean scholarship largely agrees that Burke’s reaction to the events surrounding the French Revolution was consistent. What he is accused of, however, is first holding fast to a position that sought to weaken the power of the crown (the same position that brought the Rockinghams to power), and later switching sides to one that supported absolute monarchy. Such an argument neglects the fact that the nature of royal authority had been altered between these two events, due largely to the actions of the Rockingham Whigs.\footnote{The Rockinghams could have obtained office in 1780 had they dropped their “tenets.” They did not because their principles, especially that of reducing the power of the Crown, was of vital importance to their existence as a party. Thus, two years later, in accepting Rockingham into office on Rockingham’s terms, George III was doing more than selecting a minister, and the Rockinghams were doing more than merely accepting office. That the King contemplated abdicating (the letter of abdication was drawn up) rather than acceding to Rockingham’s preconditions is an event of monumental importance. The Rockinghams were acting upon the principles laid down twelve years earlier in the Discontents and maintained ever since. The monarch would no longer be a constitutional monarch as he saw it, but as the Rockinghams saw it; the nature of royal authority would never be the same. This was no small feat for party as their achievement gave lie to the idea that political men would always value their own interest over that of the party. In this case, party had sustained the political principle of its members. See O’Brien, 210; Draft Message from the King, No. 3601 [March 1782] in Sir John Fortescue, The Correspondence of King George the Third: from 1760 to December 1783 (London: Macmillan and Co., 1928), 425.}

Though resolute when acting in or writing upon political affairs, Burke had no choice but to come to terms with who he was, or more aptly put, who he would always strive to be. It took many years, years that are indeed little studied, for
Burke’s principles to develop. Yet, by the time Burke’s political career began, his principles were well established. Isaac Kramnick puts more emphasis on these years than perhaps any other biographer and calls this period of “crisis” a “second birth.” If Burke was a contradiction by the very nature of his situation, it is within these years that it could be said he resolved the crises of conscience that arose from such a contradiction.

Burke believed in tolerance over discrimination, but he did not tolerate apathy; he believed that all men could make of themselves what they wanted. He was an outsider, a beneficiary of the English tolerance he would come to embrace and promote so vigorously in his writings. He was an Irishman in a world of English empire. He was a Member of Parliament in the constant minority. Yet, in spite of all this, Burke the Irishman came to represent all that was English: its virtue, its principle, its reserve. This did not come easy for Burke, as he explained in one of his last works, *A Letter to a Noble Lord*:

I possessed not one of the qualities, nor cultivated one of the arts, that recommend men to the favour and protection of the great...At every step of my progress in life (for in every step was I traversed and opposed), and at every turnpike I met, I was obliged to shew my passport, and again and again to prove my sole title to the honour of being useful to my Country, by a proof that I was not wholly unacquainted with it’s laws, and the whole system of it’s interests both abroad and at home. Otherwise no rank, no toleration even, for me.

Burke could never avoid the accusations of being an outsider, accusations that followed him throughout his life; *A Letter to Noble Lord* was composed only a year before his death. Yet, until his death, in 1797, Burke maintained the constancy of character for which he was known, and, as this chapter will demonstrate, for which he

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522 These “missing years,” can be dated roughly 1748-57. See O’Brien, 37-39.
became misunderstood as a reactionary. It is worth asking, as O’Brien does in the epilogue to The Great Melody, if Burke had died in 1789, would his legacy been labeled reactionary?\textsuperscript{525}

In the past half century, the study of Burke’s thought has undergone a small revival, which has in many ways contributed to the varied use of it that is found today.\textsuperscript{526} The most complete and just treatment of Burke’s life and intellectual thought can be found in O’Brien’s The Great Melody, discussed above. Burke’s thought, however, is most often put into what could be best, though too easily, called the conservative camp, though some studies have focused on how Burke diverged from such an understanding. Russell Kirk’s intellectual biography, A Genius Reconsidered, does perhaps the most to cement Burke’s place as a “conservative” thinker by emphasizing Burke’s understanding of prescription and prudence.\textsuperscript{527}

The most qualified of these “conservative” interpretations is Harvey Mansfield’s Statesmanship and Party Government, in which he concludes that Burke failed in creating his version of party government, but in doing so created the modern form of conservatism which still embodies Burke’s rules of prudence. Though his study is based primarily on Burke’s earlier works and their relation to Bolingbroke, Mansfield tends to pick and choose what he likes from Burke’s later writings.

\textsuperscript{525} O’Brien, 595.
\textsuperscript{527} There is a conflict of interest when reading Kirk on Burke. As the title implies, certain assumptions are already made, and though it may have been reconsidered, the book still tends more towards adulation than examination.
Nevertheless, it remains one of the most thoughtful of all the studies to date, and gives Burke’s thought a well-deserved depth of meaning. His examination of Burke’s understanding of virtue is unparalleled, as is his analysis and placement of prescription, prudence and prejudice in Burke’s thought, though Francis Canavan’s article, “Burke on Prescription of Government” comes close.528

In an earlier work, The Political Reason of Edmund Burke, Canavan maintains that though Burke was as rational as any other thinker, his reasoning took on the added aspect of being put into practice. Canavan is right in pointing this out; many commentators have misinterpreted Burke as an antirationalist. Burke’s thought, Canavan notes, assumes natural law and relates it through reason and prudence to political problems.529 Reason here is the key for Canavan, for it is Burke’s reasoning in political affairs, which he equates with prudence, that informed Burke’s political philosophy. Canavan concludes in the second part of the book with a thorough defense of Burke’s belief in a system of “natural rights” based in society (not in a state of nature) that stems from natural law and presupposed through prudence.530 Canavan must be seen in contrast to those who interpret Burke’s understanding of natural rights as simply being replaced with conventional civil rights. Instead, Canavan gives to Burke’s understanding of civil rights a core of natural right.

Following in the path of Canavan, Peter Stanlis and Bruce Frohnen both find coherence in Burke’s thought in the natural law tradition. (As a student of Stanlis’ it comes as no surprise that Frohnen reads Burke in much the same way.) Both concentrate heavily on Burke’s understanding of a moral natural law and the idea of prudence, as well his reaction against the Jacobin rationalism and sensibility that had its roots in many of Rousseau’s works. For Stanlis, who has contributed greatly to the

529 Canavan, The Political Reason of Edmund Burke, ix.
530 Ibid., 118.
scholarship of Burke’s theory of revolution, Burke had a “tragic sense of life,” that was informed by his religious views. He also accepted the eventuality that all human affairs were subject to, “revolutionary transformations, alterations that are often beyond the control of human will or rational understanding.” Stanlis employs this view to explain why Burke rejected the optimism of the eighteenth century as both immature and unfounded. Burke’s idea of history, according to Stanlis, was not progressive as much as it was cyclical. Though too much emphasis is put on this cyclical view of nature, he rightly notes Burke’s skepticism concerning a progressive history. This chapter argues that though skeptical, Burke ultimately believed that history could progress. Reform was possible, though it did not come through radical change. Rather, it came through a slow transformation to, and appearing to be as much an adaptation of, inherited customs and institutions.

According to James Conniff, Burke did not focus on natural law but on history, in which he discerned the realms of possibility for society as an “evolving corporation.” Conniff goes beyond Burke’s idea of prescription by expanding upon Burke’s idea of “trusteeship,” which was largely defensive and intimately related to an understanding of party that advanced reform by attempting to remove some of the causes of and opportunities for corruption. Indeed, the fact that Burke spent so much time writing on party demonstrates, “his view of party as the concrete embodiment of his theory of trusteeship.” In forming party, Burke was trying to form an aristocratic interest, inclusive of their political principle, that could provide a guide for action by assisting men in judging situations. Unlike Mansfield, who considered party to be a necessary expedient, Conniff considers Burke’s party to be

531 Stanlis, 198.  
532 Conniff, 53.  
533 Ibid., 161.  
534 Ibid., 168-69.
morally neutral, though he contradicts this conclusion when remarking on Burke’s later split with the Whig party. If resisting the Revolution was a moral choice, as Burke argued it was, then the reason for breaking with the Whig party, resistance to the Revolution, reinforces the fact that party was for Burke, especially later in his life, a moral force.535

C.B. Macpherson remarks that Burke’s later writings contain little in the way of a coherent political theory, by which he means Burke did not draw upon a theory based on first principles. Though he admits there are, “the rudiments of such a general theory,” his point is a valid one, shared by Mansfield, J.G.A. Pocock, and Iain Hampsher-Monk.536 Mansfield, discussing the Discontents, is more vague about this idea, however. For a more succinct Straussian opinion on this one must go the source: “Burke did not write a single theoretical work on the principles of politics. All his utterances on natural right occur in statements ad hominem and are meant to serve immediately a specific practical purpose.”537 Strauss claims Burke did not write a coherent theory of political principles, thus agreeing with Macpherson, yet he is adamant that Burke himself followed and defended the same political principles throughout his career, demonstrating that he adhered to a set of first principles.

Unlike Hobbes or Locke, Burke did not lay out a set of first principles from which he drew his conclusions. Yet, the reader cannot help but pick up on the admittedly various and scattered principles laid down by Burke throughout his writings. Though scattered, this does not mean they are not present, nor does it mean Burke’s system of political science lacks coherence, as Macpherson claims. In rejecting the idea that Burke was a natural law theorist, Macpherson distances himself

535 Ibid., 244.
537 Leo Strauss, Natural Right and History (Chicago: University of Chicago Press, 1965), 295.
from both Stanlis and Frohnen, and emphasizes instead Burke’s utilitarian
tendencies.\footnote{Macpherson, 24-27. Macpherson does not adequately disprove Stanlis, and stumbles on the points he is contending. Picking and choosing quotes of Burke’s response to the American troubles prior to the outbreak of war Macpherson writes, “There is no appeal to Natural Law, or to any universal principle other than utility in the broadest sense.” Unfortunately, Macpherson is reluctant to show the strength of any counter-argument.} For instance, in the \textit{Discontents} Burke was, “proposing no more than a way out of the decay he saw around him: it was a short-run expedient for the immediate situation.”\footnote{Ibid., 23.} Macpherson sees Burke’s use of rhetoric as a substitute for reasoned discussion. Such an absence of real argument is meant, according to Macpherson, to gloss over the intent to maintain the status-quo, a point Pocock also maintains, particularly concerning society’s economic relations.\footnote{For a counter-argument to this position, see Stanlis, 204.}

Similar in approach to Macpherson is Isaac Kramnick, who suggests in \textit{The Rage of Edmund Burke} that Burke was both a staunch defender and a severe critic of the aristocracy. Kramnick contends that “much of Burke’s life was a charade” and that “while he hated the ambitious Jacobins who saw themselves repudiating received notions of natural superiority and subordination, he also shared some of their aspirations.”\footnote{Kramnick, 8.} The extent to which Burke helped bridge the divide between the aristocracy and the bourgeoisie, a divide that would grow closer in the nineteenth century, is a much neglected topic in studies on Burke. To his credit, Kramnick contributes to an area that has largely been ignored. Nonetheless, making a schizophrenic out of Burke, as Kramnick is wont to do (“one part of Burke loyally served and defended his betters while another despised and sought to replace them”) is stretching the truth.\footnote{Ibid., 83-87. This chapter will leave aside psychoanalytic theories having to do with oedipal conflicts. This chapter does not intend to read into Burke’s political thought, as Kramnick does, by way of his bedchamber.}
This chapter will proceed in three parts. The first section will examine Burke’s thought on principle, and how this thought was applied to both his understanding of English and Jacobin principle. The second section will take a look at Burke’s understanding of party and faction, looking at the events of both the Discontents and the French Revolution. For the sake of interpretation, the various terms used by Burke such as party, faction, cabal, interests, connexions, etc., defined more or less so according to application, will be examined in this chapter as they have been throughout the thesis, that is, principled and singular faction. Finally, the chapter will conclude by demonstrating how Burke’s understanding of reform and change, informed by both principle and party, contributed to his understanding of legitimate resistance.

**Principle**

As Burke explained in the Reflections, the state is a tool through which virtue can be improved, and since our nature was to be improved by our virtue, God gave us the state as the necessary means to that perfection.\(^5\) Creating and maintaining virtue in a state, however, are not such easy tasks, and perfection, for Burke, was never a realistic end. En masse and without leaders, Burke writes in the first of his Letters on a Regicide Peace, men, “remain what the bulk of us must ever be when abandoned to our vulgar propensities, without guide, leader or controul.” “We must have leaders,” he continued, “If none will undertake to lead us right, we shall find guides who will contrive to conduct us to shame and ruin.”\(^6\)

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Leaders are needed because men are inclined towards both good and, when left to their own devices, evil. “Men are in public life as in private, some good, some evil.” On men in general, Burke followed an old aphorism remembered from his school days, “the man who lives wholly detached from others, must be either an angel or a devil.” For Burke it was simple: “We are born only to be men. We shall do enough if we form ourselves to be good ones.” Burke’s understanding of human nature was thus a balance. Since men have a tendency to err towards either extreme, evil or hostile righteousness (itself a form of evil), men should not expect to achieve perfection when living in the company of other men. Men must realize, “that all virtue which is impracticable is spurious.” That virtue cannot be perfected does not mean it cannot be improved, however. It is better to, “run the risque of falling into faults in a course which leads us to act with effect and energy, than to loiter out our days without blame, and without use.” Virtue needs only to be practical in its application if it can be improved in its practice.

As a result of this balance in human nature, some degree of evil must be tolerated in society. It was, “no inconsiderable part of wisdom,” Burke wrote in the Discontents, “to know how much of an evil ought to be tolerated; lest by attempting a degree of purity impracticable in degenerate times and manners, instead of cutting off the substituting ill practices, new corruptions might be produced for the concealment and security of the old.” By maintaining that the possibility for evil must always be permitted to exist, Burke was not dogmatic; as he remarked much later in the Letters, he was not against committing an evil in order to avoid a greater evil. If evil is

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545 PD, 100.
546 Ibid., 153.
547 Ibid., 153-54.
548 Ibid., 141. Cf. MPL, “Of Refinement in the Arts,” 279-80. Perfect virtue is not the aim of the magistrate, “who aims only at possibilities. He cannot cure every vice by substituting a virtue.”
549 LRP1, 144.
Burke wrote in the *Reflections*, “by leaving much to free will, even with some loss to the object, than to attempt to make men mere machines and instruments of a political benevolence. The world on the whole will gain by a liberty, without which virtue cannot exist.”

Burke disregarded any theory of virtue that aimed at the idea of perfection because virtue was reflected in and maintained by the structure of society itself. It is the natural (and hierarchical) division of society which maintains and instructs virtue as a governing principle, incorporating the ideas of prejudice and prudence which teach men to appreciate both their rights and their duties in civil society.

Burke’s understanding of the rights given to men in civil society is similar to both Montesquieu’s balance of political liberty and Hume’s conception of government as what is in our long-term interest. Civil society should be made to the advantages of men in that society. Those advantages naturally become rights. Law is thus a rule that keeps men in the path of justice so that they can enjoy those advantages. “Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour.” In the *Reflections* Burke could afford to speak generally on this topic, but as a result of the pamphlet war that ensued, he later clarified his position in the *Appeal* by criticizing, in language that was singularly directed, those who do not separate abstract rights from political rights: “The pretended rights of man, which have made this havock, cannot be the rights of the people. For to be a people, and to have these rights, are

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550 RRF, 201.
551 Ibid., 150-51.
things incompatible. The one supposes the presence, the other the absence of a state of civil society.” For Burke, rights only exist in civil society as they are created by virtue of their application, not their rationale. Government is not “made in virtue of natural rights,” rights which are defective in their abstract perfection. For Burke, the fulfillment of rights should tend more towards genuine needs, the fulfillment of which is the end of all government, than desires. Francis Canavan calls the public good the end of political reason (which he equates with prudence), but political reason is in this case only the means to the same end of meeting these genuine needs.

Men have the right to control the passions of others, with their passions controlled in turn, so that neither infringe upon the liberty or security of others. “In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights.” Burke is detailed and cautious in his approach. He is loath to establish such rights, “settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle.” Rights of men, “are in a sort of middle, incapable of definition, but not impossible to be discerned.” Men enjoy the advantages of society as their right (this, for Burke demonstrates their consent) but such advantages must at all times be balanced in each society between the different conceptions of good, between conceptions of good and evil, and even between different conceptions of evil. This is why the decision to establish abstract rights as principles is a folly. “The question is not concerning absolute discontent or perfect

553 RRF, 151.
555 RRF, 152. Cf. SPL XI, 157: “Political liberty in a citizen is that tranquility of spirit which comes from the opinion each one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen.”
556 RRF, 152.
557 PD, 104.
satisfaction in Government; neither of which can be pure and unmixed at any time, or upon any system."

The choice faced by the statesman will rarely be between two good options, with both options being satisfactory and sufficient to all parties. Circumstances may often dictate that the choice be between two evils; theoretical rights leave no room for such a political decision. Canavan correctly remarks that Burke’s political reason aimed at the good (or the right) and not the true. Though complex and imperfect, it must be practicable.

Since men’s rights are more in line with needs rather than wants, and since the advantages of society are not always easy to decipher, a quality of character is required to help maintain those rights in the face of men’s selfish will. Burke calls this quality of character virtue, by which he means any principle that can restrain men’s selfish will for their own good; it is any virtue that might regulate men’s natural passions of self-interest and direct them towards ends that benefit the whole. Principle thus defines, where the law does not, what each citizen should do, and more importantly what he is at liberty to do. Principle is not the law, but it is the constitutional mediator between law and liberty, making men observant of the former and jealous of the latter, and engaging them publicly in ways that their private vices might otherwise disregard. Mansfield calls this “manners,” and though he is right to promote the public benefits that accrue when private vices are curbed by manners, he too easily equates manners with principle without noting the tendency of manners to degenerate into prejudices.

Government exists by contract, which entails duty and limits will. People love to express their will, however, but are reluctant to hear of their duty. Duty entails the limitation of one’s power, and people, when given the choice, do not want to hear of

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558 Ibid.
their limitations. The number who might express their common will should have no impact on this contract, if it is contrary to their duty. “The number engaged in crimes,” Burke wrote in the Appeal, “instead of turning them in to laudable acts, only augments the quantity and intensity of the guilt.”

Thus, power should reside with a government that can appropriately exercise the will according to the national interest, so that the advantages of society can truly be the rights of men. This is not to rule the people out of the function of government. The people should act as, “the natural control on authority,” Burke maintained, “but to exercise and to control together is contradictory and impossible.”

“Duties are not voluntary,” and “without any formal act of his own,” a subject attaches himself to the standing covenant of civil society. Burke admits the founding of society may have been voluntary, but he also maintains that it is no longer so; duties trump individual will because men have unknowingly and unwillingly joined themselves to a contract governing civil society. As mentioned above, men give their (implied) consent to a government when they enjoy the advantages of society. Admittedly, this does not seem fair, though Burke’s reasoning follows a natural course. Just as one is born into a family, so too does one join a community and therefore a nation. The fact that children are all born unknowingly and unwillingly into a family does not lessen their obligations to that family. In fact, it is their, “relation, without their actual consent, [that] binds them to its duties.” “Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation.”

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561 AONW, 158.
562 Ibid., 159.
563 Ibid.
564 Ibid., 161.
trump will, at least when that will directs one towards ends that might be detrimental to others in the family.

As Francis Canavan points out, two principles can be taken from this passage. First, relationships are established by consent, but once consent is established (and for Burke it has been established), obligations that are independent of and superior to consent are created. That is, consent becomes redundant and more important obligations take precedence. Second, men do not have a right to, “free themselves from that primary engagement into which every man born into a community as much contracts by being born into it, as he contracts an obligation to certain parents by having been derived from their bodies.” Since one no longer consents to the founding of civil society, obligation has become antecedent to consent, and as a result, compels consent. Burke does not inquire into men’s prepolitical rights in a state of nature, but begins with the purposes of civil society. Because of this, civil society is not framed according to men’s natural equality in a state of nature, but according to the benefits that civil society can confer upon men. Political power is just according to the ends it achieves, not the ends it intends.

Principle is not simply a complement to the institutions that make up the government, but is at the same time the spirit and safeguard of the constitution. Therefore, until power and right are the same thing (and to Burke they never will be), no man has a right that is inconsistent with virtue, the first virtue, according to Burke, being prudence. As he explained in the Appeal, “prudence is not only the first in rank of the virtues of political and moral, but she is the director, the regulator, the standard

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566 AONW, 162.
of them all.” Prudence tempers men’s selfish instincts and as a result is most effective in instructing men to understand their place in society. The principle, or “force of character” that regulates this division does not come from below, as a popular sentiment, but from above, “as all such spirits must ever be.”

Both Frohnen and Stanlis note that Burke’s understanding of prudence guides right action by checking our evil or selfish instincts. While they both note that prudence is meant to slow down political decisions, Frohnen explains that prudence can at times be used to preempt as well as to restrain. Prudence slows down political decisions, but it is not the same as moderation, as prudence may at times dictate that moderation be cast aside. For instance, Burke believed that prudence should be taken in defending the British constitution against the Jacobin threat, but the point was past where such resistance should be done moderately.

The rules of prudence are practical and guide action according to circumstance. Since prudence is a virtue, it assumes a moral end and applies itself to determining the means to that end, though the end is not a moral absolute. Principles guide action, but since they are previously determined, they cannot make an instantaneous determination. This is why prudence guides right action. Prudence makes the exceptions and the modifications for moral action according to circumstance. Prudence fills the gap between principle and practice, connecting the two. Canavan argues that Burke did have absolute moral principles that were provided by a moral natural law which, “stated an order of ends, derived from human nature…the basic principles of moral law imposed the realization of these ends and

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567 Ibid., 91.
568 LRP1, 119.
569 Frohnen, 76; Stanlis, 206.
570 Frohnen, 77.
forbade actions contrary to them.\textsuperscript{571} If this were the case, however, the only mandatory duties would be negative duties, or the duty not to violate the ends of government. Instead, prudence recognizes the utility of prejudice and knows that the vice inherent in prejudice can, politically speaking, pay homage to virtue. It helps men tolerate their own inconsistencies and live up to greater expectations.

Principle necessitates an elongated process in its application, one whereby the people are separated from power. Subjects are understandably jealous of the power they give up insomuch as they separate themselves from the use of power. Attached to this separation, therefore, are the concepts of fame and estimation, which must be maintained as the distance grows. A perfect democracy, where there is little or no separation, is at once the most shameless and the most fearless. Each man feels himself free from punishment because he is free from judgment. Therefore, Burke warns, as the distance widens between those who give up and those who assume power, the estimation given to those who direct government must grow accordingly. Fame and estimation thus act as a check against a lack of principle. Responsibility through public approbation is critical to the legitimacy of government, but the people cannot assume this responsibility or else there would be no approbation.\textsuperscript{572}

Burke believed that certain men, a “natural aristocracy,” are born to lead, guide and govern because they themselves are governed by principle. In a rather lengthy explanation in the \textit{Appeal}, Burke explains the merits of an aristocracy:

To be bred in a place of estimation; To see nothing low and sordid from one’s infancy; To be taught to respect one’s self; To be habituated to the censorial inspection of the public eye; To look early to public opinion; To stand upon such elevated ground as to be enabled to take a large view of the wide-spread and infinitely diversified combinations of men and affairs in a large society; To have leisure to read, reflect, to converse; To be enabled to draw the court and attention

\textsuperscript{571} Canavan, \textit{The Political Reason of Edmund Burke}, 24-26.
\textsuperscript{572} RRF, 189.
of the wise and learned wherever they are to be found; To be habituated in armies to command and to obey; To be taught to despise danger in the pursuit of honour and duty; To be formed to the greatest degree of vigilance, foresight, and circumspection, in a state of things in which no fault is committed with impunity, and the slightest mistakes draw on the most ruinous consequences – To be led to a guarded and regulated conduct, from a sense that you are considered as an instructor of your fellow-citizens in their highest concerns, and that you act as a reconciler between God and man – To be employed as an administrator of law and justice, and to be thereby amongst the first benefactors to mankind – To be a professor of high science, or of liberal and ingenuous art – To be amongst 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 – These are the circumstances of men, that form what I should call a natural aristocracy, without which there is no nation.  

Men who govern should be men of principle, and men of principle come from a “natural aristocracy” that promotes and facilitates the adoption of principle. Yet, how is a natural aristocracy formed, and how does one arrive at the principles which they should follow? Burke believed that men’s unequal faculties inevitably led to natural divisions in the state, in turn fostering prejudices. If such prejudices were prudently managed, however, they could be just and politically effective. Prejudice is thus a second virtue for Burke. It was to all men in their local “connexions” what prudence was to the statesman, a necessary virtue for the succor of political liberty.

Men, Burke states simply in the Letters, “are led to associate by resemblances, by conformities, by sympathies.” Our affections begin with the family, Burke explained in the Reflections, and from there, “pass on to our neighbourhoods, and our habitual provincial connections.” Associations form communities, and communities form a commonwealth, which Burke defined as, “one great state having the same basis of general law; with some diversity of provincial customs and local

573 AONW, 168.
574 LRP1, 132.
575 RRF, 307.
establishments.”

A state’s laws, customs, and establishments were particular and were in no way abstract things, nor should they be abstracted.

Men, according to Burke, are not attached to abstract measurements of land or geometric divisions of right. Reacting in the Reflections against the ludicrous extent to which the French government had been rationally abstracted, Burke wrote, “no man ever was attached by a sense of pride, partiality, or real affection, to a description of square measurement.” Instead, men are attached to what they know. Burke calls the attachment that all men have to their customs, traditions, talents, and relationships “connexion,” which in political society bind men together into parties according to, “common opinions, common affections, and common interests.”

Prejudices result from the interaction of men in society. They are necessary in order to form connexions and thus cannot be removed, even though they can be so factious that they often fail to recognize the common and sovereign interest of the whole nation. Prejudices teach men to value their local short-term gain over that of the long-term gain of the nation. Such negative tendencies inherent in prejudice, however, require further questioning. Namely, for what ends are prejudices necessary? And, how are these negative tendencies controlled?

The negative tendencies of connexions could be ameliorated in a party system, Burke explains in the Reflections. Though the presence of parties in government is bound to create friction, such resistance was constructive. “Opposed and conflicting interests” deliberate, compromise, and moderate each other. Indeed, they, interpose a salutary check to all precipitate resolutions; they render deliberation a matter not of choice, but of necessity; they make all change the subject of compromise, which naturally begets moderation; they produce temperaments, preventing the sore evil of harsh, crude, unqualified reformations; and rendering all the headlong exertions of

576 LRP1, 133.
577 RRF, 307.
578 PD, 149.
arbitrary power, in the few or in the many, for ever impracticable. Through that diversity of members and interests, general liberty had as many securities as there were separate views in the several orders.\(^{579}\)

Without conflict or dissonance in a state among separate interests, governments are liable to assume arbitrary powers. Burke calls this difficulty to operate in government “a severe instructor,” but one that is overall helpful. “He that wrestles with us strengthens our nerves, and sharpens our skill. Our antagonist is our helper.”\(^{580}\) The first benefit of prejudice, therefore, is the constructive antagonism that comes from a division of civil society whereby each division seeks to maintain their individual rights.

An antagonist can only help if he does not seek to destroy his opponent, however. Antagonists need a common referee, and Burke’s referee is the sovereign, to whom prudence dictates that all interests in the state submit. Burke illustrates, describing King William’s unpopular war a century earlier, when peace would have been popular but disastrous, how principle can carry an unpopular war through to principled ends. Acting on principle, the King persevered to, “sink their factious temper in his public spirit.”\(^{581}\) With the national interest at stake: “split before an hundred adverse factions…the whole nation, Lords, Commons, and People, proceeded as one body, informed by one soul.”\(^{582}\) As a higher principle, prudence regulated the submission of the representative to the national interest. Principled representatives thus became integral to the constitutional operation of ensuring the national interest, which Burke explained in his “Speech to the Electors of Bristol.”

Burke considered himself to be a Member of Parliament before he was a “delegate” from Bristol. He professed to be a “good Member of Parliament” who

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579 RRF, 123-24.
580 Ibid., 273.
581 Ibid., 117.
582 Ibid., 118-19.
would not fall into pitiful and futile party politics in which there, “is so strong a disposition to run into the perilous extremes of servile compliance, or wild popularity.”

He did not expect his constituents to sacrifice their interests to the national interest, but he did expect them to allow him to forfeit their prejudices when those prejudices risked impairing the national interest. “Parliament is not a Congress of Ambassadors from different and hostile interests,” Burke explained, “Parliament is a deliberative Assembly of one Nation, with one Interest, that of the whole; where, not local purposes, not local Prejudices ought to guide, but the general Good, resulting from the general Reason of the whole.”

This was a fundamental belief Burke had in the British constitution. When Parliament met, it represented the whole and not just the parts. Likewise, the representative can have “no action and no existence” unless a part of the whole.

Prudence is an imperative principle for the representative in government. He must be dedicated to the interests of his constituents, and in this way his interests are their interests, but his prudence must regulate the naked vigor of local prejudice that their self-interest might invoke. Representatives safeguard the welfare of the nation as a whole by screening local prejudices through prudence. A representative should:

prefer their interest to his own. But, his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any sett of men living…Your Representative owes you, not his industry only, but his judgment; and he betray, instead of serving you, if he sacrifices it to your opinion.

Government and legislation Burke calls, “matters of reason and judgement, and not of inclination.” Decisions can never precede discussion; the Representative should

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584 Ibid.
585 RRF, 296.
586 SEB, 10-11.
587 Ibid., 11.
therefore never promise to decide according to the inclinations of those who are not a part of the national discussion.

In addition to prudence, the proper function and boundary of government limited the negative tendencies of prejudice. The state should confine itself 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.” National politicians can give a leaning but not a law to local affairs. The principal purpose of national government should be to clarify differences by disseminating information; information, metaphorically speaking, being the retardant for the flames of local prejudice stoked by factious rumor. Local or regional prejudices in themselves are not bad – they are after all what bind a community – but their tendency towards ignorance and discrimination can create national tension. Government should thus be used as a restraint, especially on speculations “under circumstances of irritation.” The rumors and lies, “spread about by the industry of faction…tends infinitely to aggravate prejudices.” Government’s first responsibility, therefore, “is information; the next is timely coercion: – the one to guide our judgment; the other to regulate our tempers.” Government should slow all political decisions down, not accelerate them. Prudence and prejudice thus act in balance, the one necessary for the other. The latter gives energy to the government through the connexion it forms; the former instills moderation in the representative when those connexion become parties, encouraging them to act as principled faction and limiting their tendency to act as singular faction.

589 Ibid., 145.
590 Ibid., 120.
591 LNL, 293.
European qualities of character arose out of the practices of chivalry into what Burke calls a “noble equality.” They produced an opinion, “which mitigated kings into companions, and raised private men to be fellows with kings.” They tamed feelings of pride and lusts for power and even had a control upon sovereigns, who could not help but be influenced by social esteem. Additionally, power was made gentle and obedience liberal because legislators of European states were obliged to study human nature, incorporating over time the differences of class, religion, and trade into one society. They not only studied human nature, but man in civil society and, “were sensible that the operation of this second nature on the first produced a new combination.” New diversities arose among men, “according to their birth, their education, their professions, the periods of their lives, their residence in towns or in the country, their several ways of acquiring and of fixing property…all which rendered them as it were so many different species of animals.” Most importantly, these legislators understood that all interests should be allotted the appropriate, “privileges as might secure to them what their specific occasions required, and which might furnish to each description such force as might protect it in the conflict caused by the diversity of interests, that must exist, and must contend in all complex society.” Burke makes use of Montesquieu by noting where he “observed very justly” the success with which ancient legislators encouraged, maintained and provided for the natural difference of inequality in all men. Burke believed contemporary society to be no different. Men were still unequal according to their naturally acquired differences.

592 RRF, 170.
593 Ibid., 292.
594 RRF, 293.
595 Ibid.
Divisions, such as, “some decent regulated pre-eminence, some preference (not exclusive appropriation) given to birth,” were inevitable within a state. Once these divisions were made, according to merit, talent, utility or any combination of the three, “all men have equal rights; but not to equal things.” Men may have an equal right to their share but, Burke clarifies, “not a right to an equal dividend in the product of the joint stock.” This parallels into civil society; an equal, “share of power, authority, and direction which each individual ought to have in the management of the state,” may be a hypothetical right, one that is just in theory, but Burke is adamant that it is not “amongst the direct original rights of man in civil society.”

Too many divisions exist in political society for there to be a common will; the direction of the state has to be placed amongst some division. “It is said that twenty-four millions ought to prevail over two hundred thousand. True; if the constitution of a kingdom be a problem of arithmetic,” Burke sardonically wrote in the Reflections. “This sort of discourse does well enough with the lamp-post for its second: to men who may reason calmly, it is ridiculous. The will of the many, and their interest, must very often differ.” Burke does not come to this conclusion theoretically, as it is not a conclusion that can be made without recourse to the historical development of a society, which will vary according to the historical accumulation of rights and property.

Every individual struggles, “to preserve possession of what he has found to belong to him and to distinguish him, [it] is one of the securities against injustice and despotism implanted in our nature.” As such, unequal divisions ought to be regulated, not only by assigning certain rights according to birth, but also by lodging certain perquisites and responsibilities with positions in the state. The arrangement of

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596 Ibid., 150-51.
597 Ibid., 142.
598 Ibid., 241.
such divisions is, “neither unnatural, nor unjust, nor impolitic.”

“If wealth is the obedient and laborious slave of virtue and publick honour, then wealth is in it’s place, and has it’s use.” When inheritance of property was also contingent upon principle, Burke found that the state was better off. The inheritance of property, titles and fortunes, what Burke calls prescription, “tends the most to the perpetuation of society itself [and] makes our weakness subservient to our virtue; it grafts benevolence even upon avarice.” Prescription was not only customary, meaning it was rooted in habits rather than choices, it was also immemorial, giving it permanence and authority.

Burke did not, however, encourage privilege without responsibility. In *A Letter to a Noble Lord*, Burke describes himself as the ordinary man who will hold all other men, including those of noble blood, to account for their contribution to the welfare of the state, and more importantly their employment of the talents, offices or emoluments given to them by the state, privileges which secure their, “own utility or [their] own insignificance.” As it is not the rich or the noble who are charitable to the poor, but the poor who are charitable to the rich, it is the responsibility, the enlightened duty even, of the rich to give back to the poor the product of their labor. The Duke of Bedford, Burke’s target, was given wealth and property, but he

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599 Ibid., 142.
600 LRP1, 70. The expenditure of great landed property, though not perfect, and in many ways wasteful, benefit society as institutional records of man’s customs, laws, creativity, and knowledge. “We tolerate them, because property and liberty, to a degree, require that toleration.” *Reflections*, 266-67.
602 Edmund Burke, “Speech on the Reform of the Representation of the Commons in Parliament,” *Select Works of Edmund Burke, Miscellaneous Writings*, 21. Hereafter cited as RRC. Because Pitt the Younger’s motion for a committee to look into representation reform, to which Burke was opposed, was doomed to fail, Burke declined to give this speech which would have needlessly alienated Pitt, a much needed ally for another bill on economical reform. Cf. J.G.A. Pocock, “Burke and the Ancient Constitution,” 227.
603 LNL, 309.
was also given certain duties and responsibilities that are inseparable from that wealth and property. His principle should remind him of this fact.

By connecting principle through prescription to positions in the state, principle becomes a prerequisite for assuming public office. On this point, Mansfield divides Burke’s idea of virtue into two categories: actual and presumptive. Actual virtue is the virtue of the honnête homme, like Burke the man who is not noble. Virtue, according to this classification, is secondary to established goodness, which draws its authority from the monarch and noble families, the latter of which are the guardians of presumptive virtue. Actual virtue, though higher than presumptive virtue, is without foundation and more apt to corruption, unlike presumptive virtue, which though lesser, is more certain. Mansfield describes prescription as the basis of presumptive virtue, which is equated with duty.⁶⁰⁵

Though Burke regarded inheritance and lineage as a sure way of guaranteeing the proper qualities of character necessary for government, he did not consider it the only way. He himself was, after all, an ordinary Irishman by birth. Power, authority, and distinction were not confined “to blood, and names, and titles,” Burke argued. “There is no qualification for government, but virtue and wisdom, actual or presumptive.”⁶⁰⁶ This was not an invitation for all men to enter government, however. For Burke, government was still the milieu of only those who were qualified. If someone were to rise to power or prominence, Burke was adamant that such a rise should be well tested and as such, well deserved.⁶⁰⁷ “The road to eminence and power, from obscure condition,” Burke wrote, “ought not to be made

⁶⁰⁵ Mansfield, Statesmanship, 222; 239.
⁶⁰⁶ RRF, 140.
⁶⁰⁷ Burke’s reaction was equally strong when this was not the case, as demonstrated in his “Speech on Fox’s East India Bill.” The “English youth” ruling India, “are full grown in fortune long before they are ripe in principle.” The result is a wealthy class in England that deserves neither the respect nor the honor accorded to its substantial wealth, and a tyrannical government oppressing the Indian people. Select Works of Edmund Burke, Miscellaneous Writings, 124-26.
too easy…If it be open through virtue, let it be remembered too, that virtue is never tried but by some difficulty, and some struggle.” In this way, the components of principle and class division come together. Class division instructed and maintained principle, though it was not a permanent structure. Burke believed that men wanted to improve their station in life, but he also realized that personal gain, rather than virtue, motivated more men. Thus, if self-interest motivated one to raise his station to one that contained titles, fortunes and perquisites, such positions should be lodged with political duties and responsibilities, the principle of prudence being one of those responsibilities.

In this case, Burke is balancing order and motivation. Good order was “the foundation of all good things.” But the people, naturally proud, must have some form of discipline over their occasionally excessive motivation to acquire (titles, wealth, influence, etc.) else that “good order” be upset. In the *Discontents*, Burke maintained that, because of the plastic nature of the nobility, a proper balance between order and motivation could be found in the British constitution:

> But a great official, a great professional, a great military and naval interest, all necessarily comprehending many people of the first weight, ability, wealth, and spirit, has been gradually formed in the kingdom. These new interests must be let into a share of representation, else possibly they may be inclined to destroy those institutions of which they are not permitted to partake.

By appealing to the vanity of men, and permitting the influential into the ranks of the nobility, obedience to the governing principle is co-opted and secured. Men are either tested in their actual virtue, or laden with the responsibility of presumptive virtue. Critically, self-interest is now curbed by the prudence required of the position.

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608 RRF, 141.
609 Burke did not believe that men were altruistic, though he did believe they were attached by their connexions in ways that could be stronger than self-love. Regardless, supporting the interests of those with whom one shares connexions is nothing more than self-interest once removed.
610 PD, 141.
Before looking at how Burke applied his understanding of principle, it is necessary to look at one more point, which will reoccur throughout the remainder this chapter. That is, when it came to government reform, Burke believed that a change in principle was prior to a change in institutions. As discussed above, Burke believed that the causes of evil are permanent, but the modes through which evil operates are not. The existence of a tyrant does not mean that monarchy is bad, but simply that the cause of evil was able to use the monarchy as a conduit for evil designs. Indeed, the same applies to any form of government. The purpose is not to eradicate the effects of evil, or the means to those effects, but to eradicate the cause in whatever vehicle it may arise. “Seldom have two ages the same fashion in their pretences and the same modes of mischief,” Burke warned in the Reflections, “wickedness is a little more inventive.”611 Though faction can do harm, it is not the shell of faction but the evil spirit that can exist in it. Reform, and not overt change, is therefore needed to rectify such an evil. It is not the institutions that one must guard against, but the animating spirits which reside in them.

In his speech on Commons reform, Burke highlighted a difference between a defect in a person in government or the administration of it, and a defect in the Constitution. The former is a problem of principle and can be cured, “by the motives of religion, virtue, honour, fear, shame, or interest.” The latter, “no man has ever willingly obeyed, much less was desirous of defending with his blood.”612 The problem with the argument for reform, Burke concluded, lay in the orientation of the debate, which should be centered on the character and conduct of men and the

611 RRF, 244.
612 RRC, 29. This is quite similar to Montesquieu’s idea of corruption. “There are two kinds of corruption: one, when the people do not observe the laws, the other, when they are corrupted by the laws; the latter is an incurable ill because it lies in the remedy itself.” SPL, VI.12, 86.
soundness of measures, not the constitution itself. Nearly a decade later this belief would be echoed in the Reflections. The British constitution was not, he admitted, “without some causes of apprehension and complaint,” but for the British this did not owe, “to their constitution, but to their conduct.”613

Such a strong belief in reform over change, improvement through practice over theoretical beginnings, begs the question of when resistance was legitimate, and for Burke, there did come such a time. His thought on principle has been looked at via prudence, prejudice and prescription, but his understanding of constitutional resistance had more to do with the circumstances surrounding his career, and the application of the above ideas to those circumstances, than it did any abstract philosophy he might have composed. The principles that arose as a result of two different political forms, Jacobin France and the English constitution, influenced Burke’s philosophy to the extent that he staked his own political career on his analysis of them. Both will be examined below.

Jacobin Principle:

Principles permeated the constitution of the ancien régime and their effect on French society was at the same time foundational and impulsive, Burke explained in the first of his Letters on a Regicide Peace. It was the rationale for the political structure and gave meaning to political life:

The body politick of France existed in the majesty of it’s throne; in the dignity of it’s nobility; in the honour of it’s gentry; in the sanctity of it’s clergy; in the reverence of it’s magistracy; in the weight and consideration due to it’s landed property in the several bailliages; in the respect due to it’s moveable substance represented by the corporations of the kingdom.614

613 RRF, 363.
614 LRP1, 139.
Majesty, dignity, honor, sanctity, reverence: each describe the effects of principle on French society. Though Burke did admit that the French nobility, “were not without considerable faults and errors,” he believed them to have been, “composed of men of an high spirit, and of a delicate sense of honour, both with regard to themselves individually, and with regard to their whole corps, over whom they kept, beyond what is common in other countries, a censorial eye.”615

As in England, class division in France maintained stability under the old regime. Property, and in particular the inheritance of property, entailed a duty attached to the tenure of the land, concerning both production and ownership. The privileged individual who kept the estate was obliged to uphold the dignity of it by maintaining the high standards of manners, hospitality, and charity. Burke considered the inheritance and maintenance of property as more than simple possession; it was a system which formed noble and enlightened men of character, both secular and religious.616 In this way, the nobility secured, “unity, coherence, consistency, and stability to the state.”617

There nevertheless remained one blemish upon the French constitution, one fatal error in government composition that Burke believed helped to bring about the Revolution. As a rule, and unlike in Britain, “those of the commons, who approached to or exceeded many of the nobility in point of wealth, were not fully admitted to that rank and estimation which wealth, in reason and good policy, ought to bestow in every country.”618 Burke considered such a strict division between nobility and other classes to be one of the principal causes of the destruction of the old nobility. Since the allegiance of the newly influential was never secured, the principle upon which

615 RRF, 238.
616 Ibid., 266-68.
617 LNL, 322.
618 RRF, 240.
the Revolution was directed had to be contrary to the principles of the *ancien régime*. Consequently, Burke writes, the French Revolution was not only a revolution in government form, but a revolution “in sentiments, manners, and moral opinions.”

The Revolution in France was, “a change in national spirit [which] is the most terrible of all revolutions.” The principles which moulded not only the character, but the institutions and traditions of their nation were rejected. By breaking this mould, the men were free to form themselves. This unrestrained liberty produced contradictory principles by which men began to regulate their actions. Heinous crimes by sinister means were allowed for righteous ends; the murder of one was justified if it was to the benefit of all. Burke described the vicious cycle he foresaw for Jacobin France: “Justifying perfidy and murder for public benefit, public benefit would soon become the pretext, and perfidy and murder the end; until rapacity, malice, revenge, and fear more dreadful than revenge, could satiate their insatiable appetites.”

The Jacobin leaders of France had perverted their system of manners by “grafting virtues on vices.” The motivations of love, veneration, admiration, or attachment, all produced by principles such as honor or virtue, vanished because these principles were disregarded. The people may seem to benefit from the murder of a king or a queen, Burke remarked, but in doing these things, “nothing is left which engages the affections on the part of the commonwealth.” Burke elaborated upon this in the *Appeal* by noting that though he may agree with the principle behind an act, he reserved his judgment of it by examining the manner in which it was carried out. Burke also maintained that principle in a state was top-down. A despot killed by a

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619 Ibid., 174.
620 LRP1, 62.
621 RRF, 176.
622 LRP1, 127.
623 RRF, 172.
revolting mob would not have the same effect of permanency as when a despot was removed by a revered Senate and replaced with a moderate monarch. In the former case, Burke explained, “the feelings are true, and the theory is false”; in the latter both are proper. 624 Principles and manners should be something that one can see embodied in the state. Manners, formed by principle, “are what vex or sooth, corrupt or purify, exalt or debase, barbarize or refine us, by a constant, steady, uniform, insensible operation, like that of the air we breathe in.” 625 And so, “to make us love our country,” Burke notes, “our country ought to be lovely”; any country that executes its monarch (in the wrong manner) is no longer lovely. 626

What the French newly termed *civic education* was, for Burke, a replacement of an education guided by both religion and principle, inclusive of self-interest, by an education formed by philosophical fanatics. 627 Burke disdained the attempt to create citizens who might put the interests of the state above their own self-interest. In their attempt at radical equality, the Jacobins attempted to eradicate all notion of self-interest as an open motivation for government. Yet, “those who attempt to level,” Burke maintained, “never equalize…The levellers therefore only change and pervert the natural order of things.” 628

In the new French republic, “nothing independent can co-exist,” because, “the will, the wish, the want, the liberty, the toil, the blood of individuals is as nothing…The state is all in all.” 629 The Jacobins erected a system whereby only their form of virtue, which aimed at reorienting men’s interest to the state, was legitimate. France

624 AONW, 90.
625 LRP1, 126.
626 RRF, 172.
627 Ibid., 251-52. Burke wrote later in *A Letter to a Noble Lord*, “a more dreadful calamity cannot arise out of Hell to scourge mankind. Nothing can be conceived more hard than the heart of a thorough-bred metaphysician.” (314)
628 RRF, 139.
629 LRP2, 184, 182.
had “prostituted” her virtue by attempting to make it universal, something which
Burke believed virtue could never be.\footnote{RRF, 126.} As his criticism of Jacobin France
demonstrated, Burke had a strong aversion to any attempt at radical equality. All men
were not equal in the faculties they possess, he believed. The state should recognize
this in its permission of those who have a hand in government. If principle does not
regulate those who manage the affairs of the state, if self-interest does not teach men
to jealously question power (Jacobin virtue had taught men to be unquestioning of
power), then government will be abused by a few to the detriment of the many.\footnote{Ibid., 141.}

This is why the road to prominence in a state can never be too easy for Burke; leaders
must be principled. In their attempt at universal virtue and radical equality, the
Jacobins rejected any notion of a legitimate division of society. This rejection was
thus a clear dismissal of Burke’s “natural aristocracy” as well as the principles of
prudence and prejudice they embodied. Moreover, by rejecting these things, the new
Jacobin government had no way to ensure their statesmen were men of principle.

Burke left room for the possibility that this could all have been a defect in the
principle, and not in the constitution. Indeed, Burke had little criticism for the
constitutional form which immediately replaced the former French monarchy.\footnote{Burke initially saw the change as having the potential for reform and to bring the estates back into their proper constitutional balance. “A Letter to a Member of the National Assembly,” in \textit{Further Reflections on the Revolution in France}, 69. Hereafter cited as LMNA.} The
French people aimed at “virtue” and “wisdom” but they no longer possessed the
ability to confer these objects upon those they ordained in government. Principle, as
remarked earlier, is not bottom-up but top-down. If those in government are not
actuated by a supreme degree of virtue, which Burke notes, “rarely appears in the
world, and for that reason cannot enter into calculation,” then they will become the
instruments of those with sinister ambitions. Though this problem of principle can be

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630 RRF, 126.
631 Ibid., 141.
632 Burke initially saw the change as having the potential for reform and to bring the estates back into their proper constitutional balance. “A Letter to a Member of the National Assembly,” in \textit{Further Reflections on the Revolution in France}, 69. Hereafter cited as LMNA.
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fixed, “by the motives of religion, virtue, honour, fear, shame, or interest,” events in
France had gone too far; the natural divisions of society that supported those
principles had been broken.

Cromwell failed to make England an enduring republic because, Burke
explains, though he had managed to break the state, he had not broken the spirit of the
people that had for so long conformed to the previous constitution. As a result,
when the constitution was restored, so too was the governing principle. In France,
however, the previous governing principle had been broken along with the state in an
attempt at total equality and had been replaced with a principle that lacked
institutional foundations. Unlike the previous one, the new governing principle
attempted to motivate the constitution from the bottom-up, and, in effect, this
reorientation could not adequately motivate the new constitution because the principle
was false and destructive.

English Principle:

Contrary to the lawyers and philosophers of Jacobin France, Burke noted,
most ordinary Englishmen are not overly rational when it comes to examining
political principle. They see the practical side of its presence in society as well as the
ridiculousness of its abstraction. “An Englishman is the unfittest person on earth, to
argue another Englishman into slavery.” Theoretical principle would not find an
audience here because the principle that evolved as a matter of course in England is
only followed for the sake of practicality. “It is besides a very great mistake to

633 RRF, 137. Burke elaborated on this by remarking that Cromwell, instead of looking to subvert the
previous constitution, sought to reaffirm the system of justice that already existed. LMNA, 37-38. See
also SPL, III.3: those in Cromwell’s government could not change the constitution because they
themselves could not adopt the principle they advocated, virtue. Later Montesquieu writes, “If the state
has preserved its principles and its constitution changes, the latter corrects itself.” (XI.13, 172)
634 Burke, “Speech on Conciliation with the Colonies,” Select Works of Edmund Burke, Vol. 1 (Liberty
Fund: Indianapolis, 1999) 248. Hereafter cited as CWC.
imagine, that mankind follow up practically any speculative principle, either of
government or of freedom, as far as it will go in argument and logical illation,” Burke
remarked. “We Englishmen stop very short of the principles upon which we support
any given part of our constitution; or even the whole of it together.”

Englishmen value liberty over abstract truth and thus willingly observe
principle, even though they may realize, as explained in the Reflections, that it can be
erroneous, excessively enthusiastic, and at times superstitious. Principle may be an
artificial construction but at its worst it remains the lesser of two evils:

[If] a prudent man were obliged to make a choice of what errors and
excesses of enthusiasm he would condemn or bear, perhaps he would
think the superstition which builds, to be more tolerable than that
which demolishes; that which adorns a country, than that which
deforms it; that which endows, than that which plunders; that which
disposes to mistaken beneficence, than that which stimulates to real
injustice; that which leads a man to refuse himself lawful pleasures,
than that which snatches from others the scanty subsistence of their
self-denial.

Prudence is really another form of self-interest, thought not specifically self-denial.
Prudence conforms to human nature since it is a tool through which our self-interest
can be better understood; it tempers decision-making, reinforcing long-term interests
over short-term ones. Frohnen sums up Burke’s applied prudence: “Burke
emphasized the wisdom of man over the wisdom of men.” Mansfield called
prudence a “duty,” “a restraint given to the self, and for the sake of the self. Its effect
is to transform short-run self-interest into long-run self-interest, as in the modern
conception of natural law.”

Principle, as both prudence and prejudice, moderates Englishmen. “We fear
God; we look up with awe to kings; with affection to parliaments; with duty to

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635 CWC, 278.
636 RRF, 264.
637 Frohnen, 55.
magistrates; with reverence to priests; and with respect to nobility.”

There is a clear division of roles, and assigned to those roles is the appropriate veneration according to the position. Principle also divides Englishmen into these roles; it is, after all, based upon prejudice. As prudence instructs men in the necessity of class divisions, making it more acceptable, prejudice reinforces such divisions making them more permanent and stable. English principle does not attempt to eradicate self-interest but instead harnesses and refines it. “Instead of casting away all our old prejudices, we cherish them to a very considerable degree, and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them.”

Prejudice here becomes not a pejorative term for self-interest, but a self-interest that is closer to the self-respect that comes from knowing and defending one’s position. Montesquieu called this honor – the prejudice of one’s condition – and here in the Reflections Burke echoes the use of honor in political society:

Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave the man hesitating in the moment of decision, skeptical, puzzled, and unresolved. Prejudice renders a man’s virtue his habit; and not a series of unconnected acts. Through just prejudice, his duty becomes a part of his nature.

Burke acknowledges that prejudice is biased, hypocritical, and to some extent unfair, but it is not unjust. Prejudice is reasonable when it holds no claims on truth, only a claim that it is viable. Prejudice is the most effective form of reason put to action since duties, “are imposed to govern our conduct, not to exercise our ingenuity.”

If principle is disregarded as it was in France, it follows that the mould which formed European social and political life would also be thrown away. New interests

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639 RRF, 181.
640 Ibid., 182.
641 Ibid. Cf. SPL III.6
that correspond to the principles regulating society would subsequently emerge, generating new and different factions. The next section will examine how Burke understood these new factions, as well as how he understood faction to operate in the British constitution where the principles of prudence and prejudice still governed. Let us begin, however, by looking at how Burke understood faction in general.

**Faction**

Burke described party in the *Discontents* as, “a body of men united for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed.” Throughout his career, Burke’s understanding of party changed little from this brief definition in which he is an observer, not a participant. He distinguishes both the national interest and political principle, which for participants would be synonymous. Such an understanding assumes that all parties will employ principles that are complementary to the national interest by combining the ideas of efficacy, political practicality and a duty to do more than have good intentions.

Burke’s thought on party and faction remained remarkably consistent throughout his writings. Though the object of discussion changed, the subject matter, by and large, remained the same. This allows the reader to examine Burke’s thought from both a domestic and a foreign perspective. The result is two separate analyses of party and faction, the former on reform and the latter on revolution. The former, found in Burke’s first tract on party, “Thoughts on the Cause of the Present Discontents,” is a tract for moderation and understanding. It is a tract arguing for and against faction. It simultaneously informs the reader that a pernicious form of faction,

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643 PD, 150.
644 Mansfield, Statesmanship, 181.
court cabal, is the cause of the present discontents, while managing to champion party politics as not only practical in a mixed government, but necessary for its survival. The latter analysis, found principally in his later works, abandons the caution found in Burke’s earlier work and warns of a new type of faction that employed a contrary principle, as discussed above. Incapable of reform, this faction had for its end the total destruction of the existing state. This section will examine both analyses on party and faction, and examine what Burke believed to be the cause of the discontents, the cause of the Revolution, and lastly the deleterious effect each of the causes had on party by the reorientation of sovereignty.

English Faction: Burke’s “Discontents”

Burke is at his best in the Discontents. His argument is sound, though a subtle tint of esoteric rationale colors the work overall. Whether or not this was intentional for reasons of personal security (he could not, after all, blatantly insult the King) or for more subtle reasons (such as the translucent nature of political truth) will never be known. What is known, however, is that the work was carried out in a discursive manner with the express intention of putting a finger on the problem that was upsetting British politics at the time. The Discontents is a nonpartisan party piece that bemoans party, yet celebrates it. Burke is at the same time profound and duplicitous. Though ever the statesman, he remains aware of his position as a politician in the House of Commons and at all times orients himself from the Rockingham perspective. It is a practical piece, born of a philosopher-statesman in office, and its highlights as well as its shortcomings reflect as much.

Burke begins his “Thoughts on the Present Discontents” with an understated qualification, one that might be given were the writer to be earnestly appealing
caution and moderation to the reader of his tract. Otherwise, it appears as an excuse, a rhetorical method of situating the argument on neither side of the debate, but above it in a manner of enlightened perspective. “My aim is to bring this matter into more public discussion. Let the sagacity of others work upon it. It is not uncommon for medical writers to describe histories of diseases very accurately, on whose cure they can say very little.”645 Burke’s initial qualification is both simultaneously a reorientation of the argument and an excuse for not engaging himself in the familiar language that surrounds the “present discontents.” Burke cannot win, he tells the reader. If he fails in putting his finger on the true cause of the discontents he will be thought “weak and visionary.” Worse still is if he were to succeed, for here he would surely invoke the wrath of those who benefit from the present system.646 Demagogues and sycophants are both dangerous targets, Burke reminds the reader. He wants to attempt, “some other scheme beside that easy one which is fashionable,” or, for that matter, profitable.647 For all these reasons, Burke attempts to stand alone, without personal bias or interest, other than that which is in the interest of the nation as a whole. Here in his first major political work, Burke underscores his concept of the national interest, sustained through the party system.

In the Discontents, Burke employed the word faction in both positive and negative contexts. Without a qualifier, and to signify faction that is either harmful or beneficial to the state, Burke more often uses the words cabal and party. Cabal is used to describe something larger than party, such as a conspiratorial movement, like the one employed by the Court that Burke lays out throughout the pamphlet. Cabal is antithetical to party and argues that party is unnecessary and ultimately evil. Party, on

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645 PD, 138.
646 Ibid., 95.
647 Ibid., 75.
the other hand, is necessary not only for protection against cabal but for the protection of the national interest as well.

In sketching the events that led up to the “present discontents,” Burke notes that the crown, after losing some of its power, began to substitute influence for prerogative, yet in order to gain influence, the court needed to appear to give certain powers back to the people. Giving up certain powers to the people, however, would have been something wholly contradictory to the court cabal; thus, the policy of the court was to regain its influence without actually having to devolve any further powers back to the people. In order to make two ministries, a distinction was drawn between the court and the administration, entities which had previously been synonymous. The latter assumed all the responsibility of the ministerial policies but were only *de jure* in charge of their own affairs. The former, the court cabal, were the *de facto* operators of ministerial policies. The ministry would continue to execute, but have little say in the decision of what to execute. A court party, in favor of the court over that of the ministry, was additionally established. Under the influence of this party, Parliament gradually came to accept this course of affairs and increasingly abandoned their independence from the crown. In this way, the court party killed faction by promoting the doctrine, “that all political connexions are in their nature factious, and as such ought to be dissipated, and destroyed.”

Burke compared the court cabal to a ruling junta who were above party. Whereas party made the decisions on the agenda, the cabal set the agenda; this was its true power. The cabal tried to, “form in the outward Administration two parties at the least; which, whilst they are tearing one another to pieces, are both competitors for the

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648 Ibid., 146.

649 Interestingly, Burke does not put blame on individuals involved in the cabal. The focus on one man is unjust, he points out, and takes the critique of these men in a wrong direction. If the Earl of Bute (head of the cabal) had never lived, the cabal would still exist. This is a small insight into Burke’s view of historical accident, quite similar to that of Montesquieu’s, cf. SPL X.13, 147.
favour and protection of the Cabal; and, by their emulation, contribute to throw everything more and more into the hands of the interior managers.”

The court cabal established itself as an innocent party, and when confronted with accusations of corruption, such as its abuse of royal funds, it asserted that the honor of the crown was at stake. In this fashion, they became untouchable. It was not the damage to the public credit that worried Burke, but the harm done to, “public morals and to the safety of the constitution, from the exhaustless mine of corruption opened by the precedent.”

Forgetting who was really to blame the, “quarrel is begun between the representatives and the People. The court faction have at length committed them.”

By reorienting the affections of the members of Parliament through emoluments, the court cabal made sure that Parliament’s ability to act as a control upon the crown was lost. Members of Parliament forgot that they, “depend on the affection or opinion of the people for their political being,” and, in forgetting this, “[gave] themselves over, without even an appearance of reserve, to the influence of the court.”

Ministers who feigned principle were more interested in the payments that emanated from the crown than the popularity they held with their constituents. “Whenever parliament is persuaded to assume the offices of executive Government, it will lose all the confidence, love, and veneration, which it has ever enjoyed whilst it was supposed the corrective and control of the acting powers of the state.”

As the crown placed men in ministerial posts, further undermining what was left of Parliament’s independence, the people lost the efficacy of their two greatest securities, the power they possessed from their popularity and connection.

650 PD, 92.
651 Ibid., 137.
652 Ibid., 138.
653 Ibid., 131.
654 Ibid., 121.
655 Ibid., 85.
Whereas previously the crown relied on the opinion of the people through the power of the Assembly for the conferring of honors, this principle was now turned on its head: “The favour of the Court is the only sure way of obtaining and holding those honours which ought to be in the disposal of the people.”656 The constitutional arrangement guided by principle and prudence, whereby those who seek to serve in the Administration are recommended to the King by their virtue and through the opinion of the country, was reversed. Burke called those who controlled the favor of the court “the new Court corporation.” They called themselves “King’s men, or the King’s friends,” and they, acting in cabal, were the source of the discontents.657

The perversion of principle outlined in the Discontents resulted from a defect in the administration, not the constitution. As such, it could be fixed, but how? Burke stated that it could be fixed by the motives of principle, but again, what exactly did he mean by that? If principle acts as both prejudice and prudence in government, then their effects must have been somehow perverted. What were the effects, and how does Burke recommend fixing them?

The people’s opinion is important to Burke, but the translation of its meaning, instead of its substance, is paramount to its validity. The representative should know this. Separating law from tradition, the statesman understands the instrumentality of the former – “the laws reach but a very little way” – and the nature of the latter which is understood, “by a knowledge of [the people’s] temper, and by a judicious management of it.”658 The people are to be understood rather than believed. In the case of a distemper arising in the state, the representative is to give favor to the people.

656 Ibid., 123.
657 Ibid., 96. For Montesquieu, this was what corrupted monarchies: “when some singularly cowardly souls grow vain from the greatness of their servitude and when they believe that what makes them owe everything to the prince makes them owe nothing to their homeland.” SPL, VIII.7, 118.
658 Ibid., 99, 71.
more so than the government because “the people have no interest in disorder,” and as such it should be seen as a symptom of something wrong with the constitution. This does not mean the people are blameless; as Burke writes, “it is their error, and not their crime.” More importantly, however, is the fact that the people do not enact, but react, which is a defensive mechanism.

The power of remonstrance was one power that Burke considered to be extremely influential. Burke points out that the origin of this power was in the Commons. It could remonstrate or, at best, resolve. The House of Commons was to be, “no part of the standing Government of this country.” It was instead, “a controul, issuing immediately from the people, and speedily to be resolved into the mass from whence it arose. In this respect, it was the higher part of Government what juries are in the lower.” The King was still granted with forming an administration, but Parliament had a negative in its refusal to support, and as Burke pointed out in the Reflections, “those who can negative indefinitely in reality appoint.” The nature of the House of Commons, “consists in its being the express image of the feelings of the nation.” It was designed not, “to be a controul upon the people…[but] as a controul for the people.” It does not seek to weaken through active means any other body of the state, but is designed only to defend the rightful liberties of the people.

Since the effects of principle are defensive, Parliament could no longer defend against the monarchy when the effects of principle were removed. Burke’s solution to this problem is two-fold. First, as explained above, the effects of principle must be reinstated. To be reinstated, however, requires a vehicle. Thus, Burke subsequently identified party as the vehicle to promote and defend the necessary principles that

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659 Ibid., 74.
660 Ibid.
661 Ibid, 117.
662 RRF, 331.
663 PD, 118.
maintain the balance of the constitution. As explained above, connexions incorporate
men through shared principles, talents, and dispositions in business. Burke
encouraged men to join factions and resist the pride of independence, where their
individual power of resistance was null. Individuals do not have the unique, “power
to defeat the subtle designs and united Cabals of ambitious citizens,” and so Burke
explains in an oft-quoted passage, “when bad men combine, the good must associate;
else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.” By
being connected, men can, “easily and speedily communicate the alarm of an evil
design.” Burke no longer wanted to rely on the virtue of individuals. If party could
embody the same principles, it could ensure that party members acted according to
principle.

Party is not perfect, Burke would later admit in his “Speech on American
Taxation.” It is composed of some men who are neither helpful nor pertinent. But
if a man does not agree with his party overall, he should have joined one more
conformable to his opinions. For the sake of efficacy, men have a duty to associate
with one another. Good intentions, which one could easily have alone, are not
enough; men must find a way to carry out the means to their intended end. It is,
impossible to conceive, that any one believes in his own politicks, or
thinks them to be of any weight, who refuses to adopt the means of
having them reduced into practice. It is the business of the speculative
philosopher to mark the proper ends of Government. It is the business
of the politician, who is the philosopher in action, to find out proper
means towards those ends, and to employ them with effect.

Burke is not advocating which ends to follow, only that men unite over shared
principles. This is what “connexions” are for in politics; they are, “essentially

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664 Ibid., 146. There is a “time for all things,” as Burke notes towards the end of the pamphlet. Good
men must combine when “critical exigencies now and then arise.” (154)
Indianapolis, 1999), 211. Hereafter cited as SAT.
666 Ibid., 152.
667 Ibid., 150.
necessary for the full performance of our public duty,” even though they are, Burke admits, “accidentally liable to degenerate into faction.”

Since men will often prefer their own interest to that of the national interest, factions can oftentimes be considered more harmful than beneficial. “But,” Burke reminded his readers, “where duty renders a critical situation a necessary one, it is our business to keep free from the evils attendant upon it; and not fly from the situation itself.” As connexions encourage degenerative tendencies in factions, principle regulates these connexions by making such critical situations “our business.” Thus, in his earliest work on party, Burke demonstrated how the principles of prudence and prejudice strengthened and regulated party, rectifying the defect in the administration, and how in turn a strengthened party could encapsulate the defensive mechanism of principle against those who seek to usurp power, namely the court cabal.

**Jacobin Faction:**

By 1790, Burke had been in opposition almost continually for twenty-eight years and, though his writings demonstrated the same intricacy of thought as they did years earlier, one finds by this later stage a writer who was more patient and careful in expressing himself. He rarely joined a fashionable cause or showed much interest towards one. He was better at criticizing than creating; a traditionalist for sure, but thorough and consistent in his defense of being so.

The French Revolution was undoubtedly the greatest threat to all that Burke held dear in the British constitution. The menace came late in his life, at a time when most of his fortunes had reversed. He was perpetually in debt; his energies and

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668 Ibid., 147-48.
669 Ibid., 147.
670 Regardless of what others thought Burke always believed that he expressed himself consistently. In the Appeal, Burke described himself: “I believe, if he could venture to value himself upon any thing, it is on the virtue of consistency that he would value himself the most.” (100)
talents were slowly drained by the unsuccessful impeachment of Warren Hastings; his attempts at reform in Ireland were constantly rebutted or altered to a state that was to him futile; he was increasingly ostracized from the Foxite Whigs; and finally, the death of his only son Richard dealt a blow from which he would never fully recover. Through these hardships, however, Burke continued. A tired and defeated man, he continued to write and lobby for what he saw as the only alternative to the French Revolution: resistance to Jacobinism.

In the first of the Letters on a Regicide Peace, Burke defined Jacobinism as, “the revolt of the enterprising talents of a country against it’s property.” He goes on:

When private men form themselves into associations for the purpose of destroying the pre-existing laws and institutions of their country; when they secure to themselves an army by dividing amongst the people of no property, the estates of the ancient and lawful proprietors; when a state recognizes those acts; when it does not make confiscations for crimes, but makes crimes for confiscations; when it has it’s principal strength, and all it’s resources in such a violation of property; when it stands chiefly upon such a violation; massacring by judgments, or otherwise, those who make any struggle for their old legal government, and their legal, hereditary, or acquired possessions – I call this Jacobinism by Establishment.671

The Jacobins themselves were composed of different groups of men, but together they had a more vigorous spirit of action: “It is a dreadful truth, Burke wrote, “in ability, in dexterity, in the distinctness of their views, the Jacobins are our superiors.” 672

Burke calls the Jacobins an “armed doctrine” in the Reflections. In the Letters, they are a “sect” who, “have deliberately, at one stroke, demolished the whole body of that jurisprudence which France had pretty nearly in common with other civilized countries.”673 Burke imagined a Revolutionary France, “wholly governed by the agitators in corporations, by societies in the towns formed of directors and assignats,

671 LRP1, 125.
673 LRP1, 123-24.
and trustees for the sale of church lands, attorneys, agents, money-jobbers, speculators, and adventurers, composing an ignoble oligarchy founded on the destruction of the crown, the church, the nobility and the people.”

In the *Reflections*, Burke singled out three groups of men responsible: a monied interest, lawyers, and philosophers. Together these three groups of men sought to subvert a system that was antithetical to the interests they sought to pursue.

The power of the monied interest lay in the control they had over the national finances. As Burke put it, “those whose operations can take from, or add ten per cent. to, the possessions of every man in France, must be the masters of every man in France.” The pride of these men increased with their cause, even though they felt inferior to a nobility they could never join. Lawyers, according to Burke, were men who were, “not taught to habitually respect themselves” and who, because they, “had no previous fortune in character at stake,” could not be expected to appropriately or discreetly handle power.

Perhaps the most dangerous group of all, however, had little presence in, but a great influence over, the Assembly: philosophers. Burke had both a deep dislike and

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674 RRF, 305.
675 Though this was an issue of class, principally between the aristocracy and the bourgeoisie, assigning labels to the revolution according to class is more revisionist than appropriate. The issue of a rising bourgeoisie is a complicated one when it comes to assigning responsibility for the events of the Revolution. Burke points out that new orders were being constructed that rested upon new and different principles, but to hold up Britain and France, the former as a champion of aristocracy and the latter as a champion of the bourgeoisie, is a false dichotomy. Burke remarks constantly on the plastic nature of the British nobility, and so to assign the difference to class is to miss the point; Britain was at that time much more bourgeois than many commentators are willing to admit. Because they incorporate and complement different social divisions, principle and constitutional arrangement are the two greatest differences between Burke's Britain and Jacobin France. It is that which influences the classes, and not necessarily the classes themselves, that is at issue here. For a view that assumes otherwise, see Kramnick, 143-168. For Burke as a capitalist and a “bourgeois political economist,” see Macpherson, 19-22 and 51-70.
677 RRF, 132. Burke had always been weary of lawyers. Before reacting against the agitators of the French Revolution, he outlined the potential of their force, their tendency to act in faction, and their ability to dissect the rationale of principle. The study of law, Burke writes in “Conciliation with the Colonies,” “renders men acute, inquisitive, dextrous, prompt in attack, ready in defence, full of resources.” And so, he warned, well over a decade before the events in France, “when great honours and emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government.” CWC, 241-42.
distrust of French philosophers, the sort of people he considered to have been, “so taken up with their theories about the rights of man, that they have totally forgot his nature.” Their writing he considered antithetical to his ideas on change and reformation, antithetical enough to warrant this outburst in the *Reflections*:

We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvetius has made no progress amongst us. Atheists are not our preachers; madmen are not our lawgivers. We know that we have made no discoveries, and we think that no discoveries are to be made, in morality; nor many in the great principles of government, nor in the ideas of liberty, which were understood long before we were born, altogether as well as they will be after the grave has heaped its mould upon our presumption, and the silent tomb shall have imposed its law on our pert loquacity.

According to Burke, these philosophers had taught, and been taught, to believe that religion was the *only* cause of enthusiastic zeal and sectarian propagation. In their own zeal and sectarian propagation, however, they lost sight of the truth that, “there is no doctrine whatever, on which men can warm, that is not capable of the very same effect.” They encouraged the very same sectarianism they originally sought to destroy. Together, these three groups attacked the foundations of the *ancien régime*, an action which necessitated rejecting the old principles and propagating new ones which were wholly inimical to those that had barred their access to the government.

Legitimate faction, Burke believed, was rooted in the recognition of property, law and sovereignty. The “revolutionaries” of France recognized none of these things. It was therefore not a revolution in government, nor was it “the victory of party over party.” It was instead, “the destruction and decomposition of the whole society; which never can be made right by any faction, however powerful, nor without

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678 RRF, 157.
679 Ibid., 181. Though Burke stops short in the *Reflections* of blaming Rousseau personally for the philosophy of the Revolution, his scathing criticism of the Assembly’s adoption of his “ethics of vanity” shows how deeply Burke disliked Rousseau and his ideas. LMNA, 47-55.
680 LRP2, 170.
terrible consequences to all about it, both in the act and in the example.”681 At stake against the Jacobin faction, Burke explains, is: “all the dignity, property, honour, virtue, and religion of England, of Germany, and of all nations.”682 The Jacobins had not only destroyed the constitution, but the principle behind the constitution. As a result, all of the effects that men had come to enjoy as the advantages of society, not just in France but everywhere, were at stake.

With no outlet to apply their extreme principles, the Jacobins turned against the principles that regulated public affairs. “They see no merit in the good, and no fault in the vicious management of public affairs; they rather rejoice in the latter, as more propitious to revolution.”683 No longer was change to preserve, but to create anew. In the Letters, Burke summarized the new fight: “It is a war between the partizans of the ancient, civil, moral, and political order of Europe against a sect of fanatical and ambitious atheists which means to change them all.”684 The Jacobins operated according to a categorical singularity: “take it or leave it; there is no medium.”685 They considered all other forms of government hypocritical, unjust, and “an atrocious violation of the indefeasible rights of man.” By the rationale of their existence there was no compromise: “all other governments are usurpations, which justify and even demand resistance.”686 They therefore, “stigmatized [moderation] as the virtue of cowards, and compromise as the prudence of traitors.”687 Jacobins will

681 LRP1, 139.
682 Ibid., 143.
683 RRF, 156.
684 LRP2, 157.
685 AONW, 93.
686 Ibid., 193. Cf. LRP1: “I call a commonwealth Regicide, which lays it down as a fixed law of nature, and a fundamental right of man, that all government, not being a democracy, is an usurpation; that all Kings, as such, are usurpers, and for being Kings, may and ought to be put to death, with their wives, families, and adherents.” (124-25)
687 RRF, 362.
not rest, as Burke puts it, “in plain French or English, until they have accomplished our utter and irretrievable ruin.”

Jacobinism had taken political ideals to an irrational extreme, though it remained to be seen whether their extremes resulted from a defect in their administration or a defect in their constitution. This difference was highlighted in Burke’s thought on both the English and the Jacobin use of principle, and divides his writings along two concepts that have been traced throughout this chapter, reform and change. Below, the two concepts will again be examined. The first section will look at Burke’s general understanding of reform and change before examining Burke’s preferred government form. Employing the conclusions from the first section, the second section will seek to answer the question posed at the opening of this chapter, that is, when is resistance legitimate?

**Legitimate Resistance: Party’s End**

Metaphysics and politics did not meet at any crossroads in Burke’s thought. Theory and practice were two separate instructors. Burke could not, as he wrote in the *Reflections*,

give praise or blame to any thing which relates to human actions, and human concerns, on a simple view of the object as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circumstances...give in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind.

Though Burke’s idea of change was not static, he left as little to the imagination as possible. He was not beholden to, “the rich treasury of fertile framers of imaginary commonwealths; not to the Republick of Plato, not to the Utopia of More, not to the

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688 LRP1, 83.
689 RRF, 93.
As a politician, he remained the philosopher in action, never the conceptual philosopher at rest.

Burke ended the *Reflections* by listing the principles that guided his actions: conservation and moderation, obedience to legitimate authority, and self-respect. Burke was someone who, as he described himself, “wishes to preserve consistency; but who would preserve consistency by varying his means to secure the unity of his end.” Burke clarified that he was not against change, as long as that change occurred in the means, and not the end, which should always remain the national interest. He would change his means to maintain the balance necessary to secure the end, but he would not change his means to something untested. As he explained in the *Discontents*, institutional reform arose from practice and from practice theory, not the other way around. The latter, theory informing practice, was equated with change; the former was considered to be the natural way of things. As he put it in *A Letter to a Noble Lord*, change is equated with novelty, while reform is, “but a direct application of a remedy to the grievance complained of.”

Burke considered the motives of those who sought abstract change to be, more often than not, deceitful and illegitimate. New modes of acquiring power in a state, absent of convention, should be, “criticise[d] on the use that is made of it, with less awe and reverence than that which is usually conceded to a settled and recognized authority.” Since government begins by a contract, but becomes a partnership, the ends of government become something that cannot be reached in one generation, or even multiple; prescription and principle aid in the continuity of these ends. The partnership becomes one that is, “between those who are living, those who are dead,

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690 CWC, 266.
691 RRF, 365.
692 PD, 279.
693 LNL, 155.
694 RRF, 271.
and those who are to be born.”

Government is therefore a process of development where no one party or age can claim a monopoly on the end or ends of government. Burke’s skepticism towards change was partly informed by his view of human nature and partly by his understanding of political society, both of which were too diverse for the application of abstract rights. Rights had to be acquired and built upon slowly, otherwise, they would be artificial and unreliable. Rights are critical because they are fixed to duties; without one the other would be meaningless. For Burke, if men could not enjoy their rights, then their obligations would cease.

It remains an understatement to say Burke was against absolute change, though he was in no way opposed to reform, the possibility for which must exist. Those who claimed that abstract change was needed (Jacobins and philosophers) were negligent of the only process by which Burke believed government could be improved: change in the means, only to reform. A state that cannot reform, he wrote in the *Reflections*, “is without the means of its conservation. Without such means it might even risque the loss of that part of the constitution which it wished the most religiously to preserve.” Burke’s ideal statesman should have a disposition to preserve as well as an ability to improve upon that which already exists in a state.

When the question of Commons reform arose, Burke made clear his strong preference for practice over theory. “A prescriptive Government, such as ours, never was the work of any Legislator, never was made upon any foregone theory.”

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695 Ibid., 193. Burke’s praise of prescription did not come from, “whatever is old must be good.” Burke’s measurement of prescription was not the length of an institution’s existence, but its efficacy. The misunderstanding on this topic could stem from Burke’s passionate praise of those old and ancient institutions that continued to prove their worth. This is how Burke’s understanding of government legitimacy was born: like the possession of property, the long and unquestioned possession of authority proved the government’s right to rule. Whatever proved effective in regulating men’s affairs should be respected. Cf. Canavan, *The Political Reason of Edmund Burke*, 122-23.

696 RRF, 153-54.

697 Ibid., 108.

698 Ibid., 262.

699 RRC, 23.
Prescription, Burke wrote, is the “most solid of all titles” to Government. If it has lasted the test of time, then there is something to be said for its stability. If men continue to enjoy this stability then there is also something to be said for its continual lack of degeneration; Burke called it, “a growing liberty and a growing prosperity for five hundred years.” Burke preferred the intellectual certainty provided by experience to hypothetical promises. “What is the use of discussing a man’s abstract right to food or to 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.” It is not what is built, but the way it is built that informs its character, “for how do you know the principles but from the construction?”

Burke believed that the British constitution, as it was, stood upon deep and solid foundations that were rooted in time and experience. What’s more, the constitution had become a part of the fabric of society and gave it the stability from which political liberty developed. To alter the system at this point would open the floodgates to all sorts of untested and unproven theories that could only base the new system upon foundations of abstract and conditional arguments. Burke, “will have none of that freedom,” by which he meant unrestrained liberty. Instead, he will seek moderation in, “the Constitution I actually enjoy,” which, “says to an encroaching prerogative, Your sceptre has its length…Here it says to an overweening peerage, Your pride finds banks, that it cannot overflow: here to a tumultuous and giddy people, There is a bound to the raging of the Sea.”

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700 Ibid., 24.  
701 RRF, 152.  
702 RRC, 22.  
703 Ibid., 26-27.
Burke was a supporter of most, if not all, forms of government. “I reprobate no form of government merely upon abstract principles,” he wrote whilst discussing democracies in the Reflections, “there may be situations in which the purely democratic form will become necessary. There may be some (very few, and very particularly circumstanced) where it would be clearly desirable.”\(^\text{704}\) Indeed, Burke’s toleration of government form stretched from purely democratic to despotic. He did not consider, “a government, that has, been, on the whole, so oppressive, or so corrupt, or so negligent, as to be utterly unfit for all reformation.” It was instead, “well deserved to have its excellencies heightened; its faults corrected; and its capacities improved into a British constitution.”\(^\text{705}\) The new French state was likewise not without praise, albeit well qualified praise. If Burke were to, “know nothing of this Assembly but by its title and function, no colours could paint to the imagination any thing more venerable.”\(^\text{706}\)

Though he would not criticize a government “merely upon abstract principles,” Burke did prefer monarchy to other forms of government. Speaking of a principle put forth by Bolingbroke, whom he was so notably against, Burke admits one of their few shared principles: “he prefers a monarchy to other governments; because you can better ingraft any description of republic on a monarchy than any thing of monarchy upon republican forms. I think him perfectly in the right.”\(^\text{707}\) Burke preferred monarchies because they alone had the greatest ability to adopt those parts of other government forms which could improve a monarchical constitution without weakening it. Monarchy, Burke remarked, is, “a thing perfectly susceptible of reform; perfectly susceptible of a balance of power; and that, when reformed and

\(^{\text{704}}\) RRF, 224-25. There was nothing in Burke’s, “nature, his temper, or his faculties,” he wrote, “which should make him an enemy to any republic modern of antient.” AONW, 114.

\(^{\text{705}}\) RRF, 232.

\(^{\text{706}}\) Ibid., 129.

\(^{\text{707}}\) Ibid., 226.
balanced, for a great country, it is the best of all governments." Burke’s preference was thus not a monarchy in the absence of other powers, but a reformed, limited, and mixed monarchy, such as the British one. “The whole scheme of our mixed constitution is to prevent any one of its principles from being carried as far, as taken by itself, and theoretically, it would go.”

Burke preferred a constitutional monarchy that could, through its ministry recommended and regulated by principle, vigorously serve the national interest, coupled with a parliament that acted as a control for and not on the people. As noted earlier, Burke did not believe that the people possessed a common will, nor did he believe that the “people” themselves could govern. Only “wise and reflecting minds” can decipher the intricate workings of the British constitution because, “it is of too high an order of excellence to be adapted to those which are common. It takes in too many views, it makes too many combinations, to be so much as comprehended by shallow and superficial understandings.” Only, “profound thinkers,” Burke notes, “will know it in its reason and spirit.” The contract upon which the British constitution rested separated government from the governed, though this was in no way an excuse for abuse, but quite the opposite. Fame and estimation, stemming from both self-interest and required prudence, harnessed and moderated the passions of men in order to serve the national interest.

Just as the Commons should be separate from the crown, so too should the crown maintain its independence from the Commons. Since their power has no other end but the general advantage, kings are like servants, though with explicit

708 AONW, 111.
709 Ibid., 194.
710 Ibid., 196-97. Only, “those who are profoundly studied,” and Burke includes Montesquieu in this list, “can comprehend the elaborate contrivance of a fabric fitted to unite private and public liberty with public force, with order, with peace, with justice, and, above all, with the institutions formed for bestowing permanence and stability through ages, upon this invaluable whole.” (198)
differences; kings are not obliged to obey the commands of others, nor can they be removed at pleasure. Though Burke does admit that all European kingdoms were at one time elective, he is quick to point out that times have changed, as there is now “a fixed rule of succession.” The king is not the servant of the people, but his power should be used for the general advantage of the nation. Misconduct may occur, but if the king’s actions tend towards a change in the constitution, the position, and the proper balance of power, becomes more important than the man. If this occurs, as Burke explained in the *Discontents*, “the natural strength of the kingdom, the great peers, the leading landed gentlemen, the opulent merchants and manufacturers, the substantial yeomanry, must interpose, to rescue their Prince, themselves, and their posterity.” Burke illustrated this in the *Reflections* by clarifying English history; the grounds upon which King James was removed from the throne were not for misconduct, but for having broken the “original contract between king and people.”

Burke’s answer to the question of legitimate resistance is linguistically vague, and perhaps intentionally so. His most direct answer in the *Reflections* remains imprecise:

> The speculative line of demarcation, where obedience ought to end, and resistance must begin, is faint, obscure, and not easily definable. It is not a single act, or a single event, which determines it. Governments must be abused and deranged indeed, before it can be thought of; and the prospect of the future must be as bad as the experience of the past.

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711 RRF 101.  
712 PD, 105.  
713 RRF, 115. Quoting Mr. Lechmere in the trial of Dr. Sacheverell, Burke clarified his position, “if the executive part endeavours the subversion and total destruction of the government, the original contract is thereby broke, and the right of allegiance ceases; that part of the government, thus fundamentally injured, hath a right to save or recover that constitution, in which it had an original interest,” AONW, 125.  
714 RRF, 118.
This answer, however, does help to clarify a few points. Burke implies that as
conditions get worse, there is a point at which reform of the system as it is, is no
longer an option because the defect in the constitution cannot be corrected by the
means Burke suggests. Burke continued,

When things are in that lamentable condition, the nature of the disease
is to indicate the remedy to those whom nature has qualified to
administer in extremities this critical, ambiguous, bitter potion to a
distempered state. Times and occasions, and provocations, will teach
their own lessons. The wise will determine from the gravity of the
case; the irritable from sensibility to oppression; the high-minded from
disdain and indignation at abusive power in unworthy hands; the brave
and bold from the love of honourable danger in a generous cause: but,
with or without right, a revolution will be the very last resource of the
thinking and the good.  

Burke raises more questions in this passage than he gives answers. Who are these
“wise” and “high-minded” individuals? Burke hints that whoever they are, they can
sense the tide of events as things get increasingly worse. Assuming these men are
also the “thinking and the good,” how and when do they employ their “very last
resource”?

Before returning to the Appeal, from which most of these questions can be
answered, two points drawn upon throughout this chapter must be examined again:
the “Discontents” of Burke’s early political career and the Jacobin threat to which he
responded so vociferously nearly two decades later. A defect of the administration of
the constitution was the cause of the “discontents,” not a defect in the constitution
itself. Party government that rested upon the principles of prejudice and prudence
was the solution. Prejudice makes one jealous of his liberty, while prudence makes
one observant of the constitution which provides for that liberty. If one is to be a
member of a party, as Burke conceives of it, one must embody both.

715 Ibid., 118-19.
Jacobin France was initially capable of reform. Burke admitted that, in the abstract (which counted for nothing), the new constitution could be commended. Nonetheless, it became apparent that in the operation of the new constitution, like the “discontents,” the defect lay in its administration. The difference in this case, however, was that the only solution to this defect had become defective itself. That is, those who were the prime movers of the Revolution had broken the principles upon which reform was possible. As a result, the only solution was outright resistance.

In examining the “Discontents” and the Jacobin threat, this chapter outlined one case for reform and one case for outright resistance. Two points on a spectrum are identified, but it remains to be seen where upon that spectrum Burke’s understanding of resistance lies. It remains to be seen at which point between the two, reform and resistance, the “wise” and “high-minded” men must employ their “very last resource.” In the passage from the Reflections cited above, Burke appealed to his contemporaries, but was referring to his predecessors a century earlier. His predecessors thus become the starting point to discover the answers.

Burke did not group 1688 and the French Revolution together. 1688 rested on principles that secured a stable line of succession, avoiding an election that would have been “utterly destructive.” This provided for the “unity, peace, and tranquility” of the nation.\footnote{RRF, 106.} For Burke, 1688 was decidedly not a revolution in principle, nor was it a revolution in government. The word “revolution” is understood today as a complete change in government, or as the Oxford English Dictionary puts it, “the overthrow of a government or social order by force, in favour of a new system.” Burke, however, employed the term differently. The revolution of 1688 was a
reaffirmation of the British constitution, a bringing-back-to instead of a rejection-of. As noted earlier, Burke was not against change, as long as it occurred in the means and not the end. In this way, Francis Canavan pointed out, there is no limit to the number of changes a constitution may undergo, “provided that the direction of change continues to be set by the controlling end, the good of the people.”

In a passage from “A Letter to a Member of the National Assembly,” Burke’s understanding of revolution becomes clearer: “one would think, that after an honest and necessary Revolution (if they had in mind that theirs should pass as such) your masters would have imitated the virtuous policy of those who have been at the head of revolutions of that glorious character.” 1688 was, for Burke, a reaffirmation of longstanding principle that had been disrupted, but never broken, during the previous half century. In 1688 the legislature, “altered the direction, but kept the principle” of hereditary succession in the British constitution, showing that they “held it inviolable.” Their change was in the means of the British constitution, but not in its end. The men of the Revolution carried the “weight of their reasons” to one side in order to right the vessel. The French Revolution, on the other hand, was an outright rejection of both the means and, with the perversion of the former principle, the end.

Burke described the Glorious Revolution and the British constitution with the same words: “the firm but cautious and deliberate spirit which produced the one, and which presides in the other.” Firm, cautious, and deliberate are not words

718 LMNA, 38. Burke also never used the term “American Revolution,” preferring instead “the American war of independence.” This war was not a revolution since the colonists were fighting (ostensibly) to retain their rights as British subjects. See Stanlis, xx-xxi and Chapter 6, “Burke’s General View of Revolution.”
719 RRF, 109.
720 Ibid., 365.
721 Ibid., 89.
ordinarily associated with “revolution.” They are words that describe a careful process. Indeed, they are words that describe a process taken by “wise" and “high-minded” individuals in the “Glorious Revolution” whose resistance was legitimate only because it was under the “utmost necessity.”

Burke speaks through others in the defense of this Revolution. Quoting Sir Joseph Jekyl, who gave a defense of the Revolution of 1688 during the trial of Dr. Sacheverell, Burke maintains that the Revolution was the only form of justifiable resistance, and that it was, “so far from promoting popular licence of confusion, that it will have a contrary effect, and be a means of settling men’s minds in the love of, and veneration for the laws; to rescue and secure which, was the ONLY aim and intention of those concerned in resistance.”

Quoting Sir John Hawles, Burke remarks that resistance is only permissible “as an exception from necessity.” Quoting Walpole, Burke admits that resistance is unlawful and as such can never be, “described or affirmed in any positive law, to be excusable.” It is therefore the highest form of treason, and can only spring from the “utmost necessity...for the preservation of the whole.”

Again, quoting from the trial of Dr. Sacheverell, Burke parallels the words of Sir John Holland to his in the Reflections: “Those general rules of obedience may upon a real necessity, admit a lawful exception; and such a necessary exception we assert the revolution to be.”

Since King James sought to subvert the constitution and not just the administration of it, the crown became, for the revolutionaries, more important than the king. Burke valued the position more than the man, yet that position held its value for Burke only in its constitutional operation. If it deviated from its intended

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722 AONW, 131.
723 Ibid., 127.
724 Ibid., 130-31.
725 Ibid., 144.
function, it could no longer serve to further the national interest, the end of government. If political authority is abused to the detriment of the national interest, resistance is morally legitimate because, as discussed earlier, whatever is not done for the benefit of the people cannot have their consent. Though obligation is prior to consent (as we are all born after the founding of society), without consent there can be no obligation. This reasoning provided the Old Whigs with the justification for the “exception” of resistance, which was of the “utmost necessity.” Their revolution was thus a rectification of the constitution, a bringing-back-to and not a rejection-of. It was more than a reformation because it entailed resistance to a constituted power, even if that resistance was in order to restore the proper powers of the constitution.

Burke praised the actions of those who could not praise party, the Old Whigs, even though their example was inapplicable for him. New times call for new remedies, and so in his praise of them, Burke departed from their actions. As Mansfield remarks, “there is a very great difference between using party and praising it.” It was difficult for Burke to justify what the Old Whigs did, as explained in the Sacheverell trial, because it was made public. Necessity cannot be made a rule, for once it is, the rule will be abstracted from the circumstances which brought about the necessity.

According to Mansfield, Burke “seems to say” that it was not just the actions of the Old Whigs alone that saved the constitution, but a coalition of the parties led by the Old Whigs that saved it. Burke appeals to the system overall, not just one party, because having just one party serve the national interest (or what they consider to be the national interest) would weaken the system. A variety of interests that can unite for the common good in a crisis guarantees that the national interest will always

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726 Mansfield, Statesmanship, 167.
727 Ibid., 182.
be maintained. The Old Whigs led the charge, so to speak, but they did not create a system from which their actions could be repeated since it was the exception and not the rule. If prerogative is he who can decide the exception, then the Old Whigs assumed prerogative but relinquished it as soon as a stable succession was decided. Party therefore saved the constitution, but it did not provide for a future failsafe. Party, for Burke, was to be this failsafe; it was to prevent the constitution from having to be saved.

“Well, he would, wouldn’t he?” was Mandy Rice-Davies’ famous reply to Lord Astor’s denial of their affair. Burke, like Astor, operated along the same principles: deny publicly what can never become standard practice, as much as we might privately want it to. Duties must always trump our selfish will, and prudence must remind us of our duties. Unlike Lord Astor, the Old Whigs acted out of necessary duty in creating the offense. Unlike the Old Whigs, Lord Astor acted prudently in defending himself. In the trial of Dr. Sacheverell the Old Whigs failed at being prudent in their own defense.

Contrary to the radical and innovative tendencies that change can have on most individuals, Burke promoted change only when it was to preserve. Resistance was an exception; and, because of the radical and innovative tendencies of resistance, any action to secure the necessity must be conceived among the “wise” only in order to put the constituted powers back into their respective and appropriate orbits.

In his “Address to the King,” in 1777, Burke spoke of “the people” who in 1688, “re-entered into their original rights; and it was not because a positive Law authorized what was then done, but because the freedom and safety of the Subject, the origin and cause of all Laws, required a proceeding paramount and superior to
them.”  Though less clear at this point than he would be later, by “people” Burke had a very limited understanding. Whether a point of candor or a rhetorical flourish, this understanding became increasingly limited to the extent that he no longer trusted power in any hands except those who held it prescriptively, and then only within their respective bounds. To say “the people,” but describe the actions of only a few men, demonstrates Burke’s increasing unwillingness to condone any resistance to constituted authority. Burke becomes almost conspiratorial on the topic, displaying his lack of confidence in the constant presence of “wise” men.

The events in France had steeled Burke to the conclusion that even if “remarkable men” were to be found, they faced a new and formidable enemy that did not exist a century earlier. 1688 was not only an exception, therefore, it was a remarkable exception. The Old Whigs were remarkable men who gave up power just as fast as they assumed it. As much as he admired their actions, Burke did not believe that such a remarkable exception could be executed any longer. His faith in the presence of “wise” and “high-minded” men increasingly waned by the time he wrote the Appeal. His task, therefore, was to obviate the need for remarkable men, if there were any, who could restore the constitution by assuming and then relinquishing prerogative. Burke’s solution to this was the party system, which not only refined and institutionalized principle, but limited ambition and so provided more consistent statesmen. Burke sought to institutionalize in party the same principles, and not the actions, of the “wise and the good,” who were, after all, few in number. Party became the vehicle by which the governing principles of prejudice and prudence were now delivered. If party could guarantee that the appropriate principles regulated its

members, then reform would always be possible and the exception, which had led to tyranny in France, would never be necessary.

Rather than see the discord and absence of perfection or harmony which had plagued the British constitution for the length of its duration, Burke chose to see the synthesis created by the dissonance of human nature. He realized that out of continual political dissonance, encased by an effective constitution, came the most perfect harmony constitutional government could produce. What others had done by their nature, Burke patented by design. In this way, Burke was the accidental founder of party government. He gave it a name, something the Old Whigs – who were opposed to party government in its outright form – had refused to do. In doing this, Burke only lifted the veil and described the practices that had been established by the Old Whigs, and the traditions of party and principle that had been examined by both Hume and Montesquieu.
5 § Principle, Inc.

Constitutionalism suffers from the defects inherent in its own merits. Because it cannot do some evil it is precluded from doing some good. Shall we, then, forego the good to prevent the evil, or shall we submit to the evil to secure the good? This is the fundamental practical question of all constitutionalism.\textsuperscript{729}

The political dissonance inherent in party government is most often seen as a nuisance, a bother to be done away with. For the three thinkers of this thesis, however, such dissonance, if orchestrated correctly, could produce the best possible government. Indeed, all three had a unique understanding of the purpose of political dissonance in party government, and recognized the necessity, as well as the utility, of political principle to that purpose, which was to produce political liberty. This thesis began by demonstrating the form and function of Montesquieu’s principled faction, it considered how Hume sought to employ both principle and institutional design in order to regulate faction, and concluded by examining the reasons for which Burke promoted parties of principle. What are the results for us today of incorporating a governing principle into faction, and making parties principled?

Linguistically speaking, one could argue that until Montesquieu, Hume, and especially Burke wrote upon the subject, party and faction were both derogatory terms, which in many ways still retain a depreciatory definition. Somewhere along

the way, however, faction became party and party became respectable. The most important reason for this change was that party reversed the trend whereby statesmen created faction, for faction now created statesman. As an accepted part of modern constitutions, party is now not only respectable, but in many ways it is inconceivable that government could operate without it. Despite the negative tendencies of party politics, it could be said that the presence of political parties within a state is a reassuring sign of political liberty. As Hume remarked, where one finds different factions coexisting in a state one will find both the arts and commerce, and their presence is an encouraging measure of liberty in that state.\textsuperscript{730} Today, one-party states are feared, and rightfully so. From Julius Caesar to Cromwell, from Robespierre to Hitler, history demonstrates the danger that singular faction can pose to a state’s constitution, as well as the danger they can pose to neighboring states.

Political principle, as we know it today, has changed as well. Montesquieu concluded that though virtue might be the better social principle, honor was the better political principle. Virtue, in the Montesquieu\textsuperscript{an} sense, may make better men or women out of all of us, but it does not necessarily make us better citizens. As this thesis has argued, each thinker came to the similar conclusion that it could not. The belief on this is graduated according to each thinker, but all three view man as inherently selfish, and in man’s normal activities, in community and in commerce, they could be said to be typical of a new type of \textit{laissez-faire} political economist. When it came to men acting in government, it was recognized that something was needed in order to moderate man’s selfish ambition. After all, they advocated that statesman, representatives, and those who are to hold them politically responsible

\textsuperscript{730} MPL, “Of Civil Liberty,” 92-93.
follow a system built upon political principle, which harnesses and employs self-interest for political ends, not social ones.

By exposing some of the conclusions on the topic of this thesis, like the one above, a general trend emerges that still influences us today. That is, political principle is inherently hypocritical, though hypocrisy itself is a vice that should not be tolerated in all its forms. As will be argued below, there are both functional and detrimental forms of political hypocrisy. To begin, then, let us make an initial parallel. “Virtue,” in the Montesquieuan sense, is not only outdated, it is antihypocritical (a term that will be examined in greater detail below). On the other hand, the principles that motivate principled faction are inherently hypocritical.

The first part of this conclusion takes a brief look at a similar conclusion made by Montesquieu, Hume, and Burke, namely, a shared understanding of political consent predicated upon self-interest, highlighting their shared understanding of the ends of political society. The second section examines the concept of political hypocrisy before taking a look at political principle through the lens of what will be called first- and second-order hypocrisy. The third section examines how each thinker secured politically principled statesmen, and how these statesmen were then incorporated into party. The fourth section looks at how principle became institutionalized in party, highlighting the unique emphasis each thinker put on party over that of the statesman. The final section considers what implications these shared understandings have for party and principle in constitutional government, and concludes by taking a new look at how, according to these thinkers, the advantages of society are secured.

_The Advantages of Society_
Government is only legitimate when it serves the interests of those in political society, and if men voluntarily join (or remain to enjoy) a political association, it follows that government is to their interests. Yet, all three thinkers understood that men’s own interests, outside of immediate physical necessities, were not easily understood, nor easily agreed upon. Interests could be short- or long-term; they could benefit one individual to the detriment of one family, one family to the detriment of one community, or one community to the detriment of the nation. Determining whose interests were being served (and how) was, in fact, the political problem to be solved. Though all three thinkers understood consent as an inherently self-interested concept, they sought to limit self-interest for greater interests of which men were not immediately aware. Yet, who could recognize these greater interests? Montesquieu, Hume, and Burke arrived at similar conclusions in answering this question, with the result that our modern understanding of party reflects such conclusions. The answer to this question preempts the discussion, however. It must first be demonstrated how each thinker understood the idea of consent, how greater interests were achieved, and what such an understanding meant for constitutional government.

Men enter society, Montesquieu believed, so that they might further their own interests. Upon entering society, however, where they feel equal to those around them, men compete for its advantages and a state of war begins. Positive laws are therefore needed in order to restrain men from acting upon their own inclinations of personal gain to the detriment of others. As a result, Montesquieu makes an immediate distinction. In society, men have limited rights, yet their most important right is the political right, established by law between the governed and those who govern, for government to secure the advantages of society.\textsuperscript{731} Montesquieu does not

\textsuperscript{731} SPL, 1.3, 7.
explain precisely what these advantages are, but the political right to have them secured guarantees that government will be (or should be) to men’s benefit.

For Hume, a government’s legitimacy derives from its utility, not from original consent, though consent can follow from the recognition of a government’s utility, as a passive rather than an active form of consent. Since all government commenced with a usurpation of power, it can never be made theoretically legitimate, but as a man is born into a family, Hume held, he is compelled for reasons of necessity, natural inclination, and habit to consent to society. Born a part of society, men recognize its utility when they see that it secures “justice.” Government acts as the mechanism which prevents against our natural inclinations to abandon the long-term view of justice for an ephemeral satisfaction. Though one can gain more by fraud than what one would lose if caught in a breach of justice, Hume maintains that, overall, men are concerned with interests that are more distant and lasting, interests which benefit the individual as well as the community. Since society exists so that justice might be administered, it is only legitimate if men can achieve justice, or what is in their ultimate, and not their temporary, interest.

Burke maintained that men imply their consent to a government when they enjoy its advantages. Like Hume, he maintained that just as one is born into a family unknowingly and unwillingly, so too is one born a part of a community and therefore a nation. Men could be made to see the advantages of society, but because they are not always easy to decipher, and because men are prone to cheat that society for their own ends, men do not always pursue them. Burke thus concluded that men’s passions needed to be controlled, though not eliminated, until such advantages could be achieved: “the restraints on men, as well as their liberties, are to be reckoned among

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Like Hume, Burke is concerned with how useful rights are to the men who have them. Burke was adamant that government was not “made in virtue of natural rights,” rights which cannot be applied to society in their abstract perfection. Instead, the end of government and the right that all men in political society possess, is the fulfillment of “genuine needs.” Government therefore begins by restraining men’s selfish will for their own good so that their “genuine needs” might be secured.

Accordingly, government is only legitimate if it can secure the advantages of society, whatever such advantages might be. If such advantages are secured, however, consent to government is therefore implied. Though man’s more immediate physical necessities are a part of such advantages, Montesquieu, Hume, and Burke are vague about what exactly these advantages comprise overall. What exactly such advantages are, however, is a matter of opinion and not political truth. Determining the advantages of society is a political question, and is one that, if not properly guarded, could destroy the constitution. It is therefore not who could recognize men’s greater interests, as asked above, but who should. Coupled with the political ability of securing the interests of the state is the political responsibility to secure the appropriate interests appropriately. It is not just what is secured, but how it is secured that is important.

As will be shown below, it is the statesman’s role to determine the advantages of society; such important political questions cannot be decided by everyone but only those taught to govern. Indeed, nowhere is it pinpointed how the people themselves

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733 RRF, 152.
734 RRF, 151.
735 The democratic thought of the thinkers of this thesis does not go much past their shared understanding of implied consent, an understanding echoed by Bernard Crick: the sovereignty of the people, “can mean little more than an affirmation that government should be in the interests of everyone and that it should be representative.” In Defense of Politics, 60.
are to secure these advantages, except through the industry of their everyday affairs. Apart from demanding their “political right,” “their justice,” and the fulfillment of their “genuine needs,” the people should refrain from the creation or execution of political affairs. Two conclusions can be drawn from this. First, there exists in society (or should exist) a class who is governed and a class who governs. Second, if government is to be legitimate, the governed must possess the right to have the advantages of society secured for them. The inverse is also true. Since the people do not have the right to secure these advantages themselves, they retain the right of approbation. The political question of what the advantages of society are and how they are to be secured, however, remains to be answered by the statesmen of the governing class.

**Hypocrisy**

Principle is political self-restraint, and in this way it is tolerant, but it is not tolerance as normally understood. It is not selfless; it is not virtuous; it does not entail religious underpinnings. Principle balances between self-interest and duty, and fluctuates between vice and virtue. Indeed, it harnesses self-interest by reminding statesmen of their duty. It is a subtle form of discipline upon desire that exacts penalties, though more importantly it also promises social rewards. It is adopted for selfish reasons – to be seen as principled – and thus the adoption of principle is often called hypocritical, though all three thinkers called it something else: honor, manners, prejudices, tradition, etc. In this way, hypocrisy is an attribute of principle and in looking at hypocrisy, its effect on principle in political society, as well as the perceived results that effect can have on political life, will be examined. Much of the discussion will remain the same though it will allow us to frame principle in a slightly
different way, helping to bring the conclusions discussed in earlier chapters into a more contemporary debate. That said, to better understand the principles described in this thesis, and how they might be relevant today, we must take a closer look at the idea of political hypocrisy, a topic which has gained much ground in recent political literature, in order to better frame the conclusions that will be made in the remainder of this thesis.736

Hypocrisy, “remains the only unforgivable sin,” Judith Shklar remarks in Ordinary Vices, “perhaps especially among those who can overlook and explain away almost every other vice.”737 Hypocrisy is a product of liberalism and the values it fosters, however, and is not a vice that should be removed, especially in politics. Instead, in the ranking of vices, cruelty should be put first, well before the vice of hypocrisy, which is itself only acutely dangerous when it fosters cruelty.738 It may be a gateway vice, but this does not mean that hypocrisy is not politically useful. Besides, David Runciman notes, “everyone is at it, which means that it is difficult to criticise hypocrisy without falling into the trap of exemplifying the very thing one is criticising.”739 Accordingly, the temptation to slide towards either extreme must be resisted. If we deny that hypocrisy exists, we open ourselves up to claims that we are

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737 Shklar, Ordinary Vices, 45.

738 By putting cruelty first, Shklar means ranking it first among the vices to eliminate in liberal societies.

739 Runciman, 1.
being naïve, and if we maintain that hypocrisy is ubiquitous, we open ourselves up to claims that we are apologists for its abuses.

“Hypocrisy” is a pretense, and originally meant acting a part out on a stage. On the political stage, it can be the public denial of a private truth or the discrepancy between rhetoric and action. Hypocrisy involves the construction of a persona, of an image that one sells to the world, and this is why it can be particularly damning for politicians who are likely to make promises and commitments which, by the very nature of politics, they cannot always keep. What’s more, in liberal societies, politicians are apt, and somewhat encouraged, to exaggerate their moral commitments in order to gain political legitimacy. When they fail to live up to those commitments, they are called hypocrites.

Though political hypocrisy is unavoidable, hypocrisy in all its forms should not be tolerated. If the nature of political hypocrisy is examined a bit deeper, it becomes apparent that both good and bad forms of political hypocrisy are directly relevant to this thesis. In its best form, hypocrisy is a fundamental aspect of political principle. It helps smooth the rough nature of political interactions and helps to establish compromise. It should not be the public denial of a public truth, however. Hypocrisy has its limits, and that limit, as understood by the thinkers of this thesis, continues to be relevant to us today.

Hypocrisy turns on questions of character, not questions of truth. A man may be inconsistent, but this does not necessarily mean he is a hypocrite. What tends to make us both inconsistent and hypocritical is the overlapping of our various obligations as members of different families, communities, churches, or trades, etc. Situations that change without notice (especially political situations) force us to

740 Shklar, *Ordinary Vices*, 47.
741 Dovi, 4.
742 Runciman, 9.
compromise; our prejudices often run deeper than our established reason; and, our connexions can call for corporate action that obligate us to set aside our previous commitments. Anytime our obligations overlap and we are forced to compromise between the two, we expose ourselves to being called hypocrites. Indeed, in a free society, this is almost impossible to avoid. No one is completely consistent; or, as Aristotle put it, we are neither gods nor beasts. 743

There are two ways of thinking about hypocrisy: as a vice itself, or as a coping mechanism for vice. In the latter, hypocrisy is not a vice at all, while in the former, the vice lies in the act of manipulating or denying the initial act. If discretion is the polite word for hypocrisy, as Christine Keeler so famously quipped, it must be known for what use that discretion is being employed. As a coping mechanism for vice, hypocrisy at least forces the hypocrite to acknowledge the proper course of action.

“Let us follow nature,” Montesquieu wrote, “which has given men shame for their scourge, and let the greatest part of the penalty be the infamy of suffering it.” 744 Or, as La Rochefoucauld famously wrote in his Maximes, hypocrisy is “the homage vice pays to virtue.” 745

Traditions, manners, and mores exist so that the two realms of public and private life can be bridged, without having to examine the conscience of the latter. They smooth over the uncomfortable nature of our personal inconsistencies, as well as our societal inequalities. Politeness, for instance, is hypocritical. In being polite, we are dressing up our true feelings and acting concerned or interested in someone or something that we might not otherwise be. As one recent commentator aptly put it, “politeness keeps small-stakes events small stakes, nondescript encounters

744 SPL, VI.12, 85; VI.13.
Translation mine.
I may be hypocritical in being gracious to houseguests I cannot stand, for instance, but no one would suggest I tell them my true feelings; that is, of course, if I still want the visit to be a nondescript encounter. Hypocrisy is therefore a tool used to alleviate the inconsistencies of our interactions in life, as well as in politics. It should not seek to improve them by denying that our inconsistencies are actually inconsistencies, even when it may be politically advantageous to do so.

Hypocrisy may violate natural or religious laws that concern themselves with the intention of an actor, but civil law does not concern itself with private intention, only the outward conformity of the actor with the law. Because one need not be moral in politics, manners take on greater importance, especially as politicians’ lives become more public, so that they might be seen to be moral even if they are not. As Hume noted, “admiration and acquaintance are altogether incompatible towards any moral creature.” One need not trouble oneself with the pangs of conscience when acting as a citizen or a politician, one need only follow the law, though this does not lessen one’s responsibility to maintain manners and customs.

Because of the difference between our public and private selves, we cannot help but be hypocrites in political matters, nor can we help being antihypocritical in observing it. This is the gap between our hopes and reality, political rhetoric and political possibility. The principles that regulate our political actions are the measure of the distance between the two. Just as manners bridge the gap between our private and public selves, so too do principles bridge that gap politically. Without such a bridge, party politics would be hopeless. In appropriately tolerating hypocrisy, the necessary space for the political actor to compromise is provided.

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746 Miller, 36.
747 SPL, XIX.16, 317.
748 MPL, “Arts and Sciences,” 120.
A helpful way of looking at hypocrisy is by ordering it, as David Runciman does in his work Political Hypocrisy, according to first- and second-order hypocrisy. First-order hypocrisy, he writes, “is the ubiquitous practice of concealing vice as virtue, which makes up the parade of our social existence.” The hypocrisy of political principle here equates with the hypocrisy one finds in manners and traditions. In first-order hypocrisy, vice is tolerated and controlled, mostly because we desire the social rewards of being seen as virtuous. Denying or deceiving others or oneself can turn first-order hypocrisy into second-order hypocrisy by, “pretending that the parade itself is a form of genuinely virtuous, and therefore self-denying behaviour.” The difference between the two is better spelled out by saying that, “we may need to hide the truth about ourselves in order to get by in this world, but we oughtn’t to hide the truth from ourselves that this is what we are doing.”

Second-order hypocrisy is being hypocritical about hypocrisy. It is the public denial of a public truth. We deceive ourselves, or others, intentionally or unintentionally, that what we are doing is genuine and virtuous. It can encourage the attempt for what Montesquieu called “true honor,” something all three thinkers, as well as Mandeville before them, recognized was impossible in politics. In its most innocent form, second-order hypocrisy is simply ignorance of the reality of political men. Men are not naturally selfless, virtuous, or altruistic, and to encourage them to be so runs counter to human nature. Those who deceive themselves are relatively harmless in their ignorance, though when ignorance turns into delusion, the result can be a catastrophic antihypocrisy.

In its most extreme form, the unacceptability of hypocrisy in politics can lead to tyranny and terrorism. The antihypocrite, who is often sincere but delusional,

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749 Runciman, 54-55.
cannot accept the fact that he himself might be a hypocrite. By taking the position he does, he cannot tolerate contradictions – for to do so would be hypocritical – and therefore cannot accept that men are by their nature contradictory. Not accepting this last belief means that the antihypocrite is certain men can be corrected from any such aberration, and he will seek to do so by whatever means are necessary, including ignoring reality. In the mind of an antihypocrite, all those who oppose him are traitors to the “cause” or the “truth,” or agents of those who threaten it. “Truth” is something which has no place in politics. “The purity of their aims, and the wickedness of actuality, combine to absolve their followers not only from their normal duties, but from looking at any facts that disturb their beliefs.”

The tyrant or the terrorist believes, in the end, that he is justified in “protecting” (in whatever form that may take) the people from that danger via his virtue. Those who are not delusional, however, or those who manipulate the ignorance of others – those who understand the system and employ it to their own benefit – are even more dangerous, for they understand how to use antihypocrisy as a political weapon.

Historically, this is most evident when religion is mixed with politics. Religion has no place in politics for the simple reason that it cannot abide hypocrisy and as a result seeks to rid us of it. Unlike religion, politics does not focus on personal intention, or, more so in terms of religious discourse, private conscience; it is enough that an action is carried out for the public good. As Shklar comments, such a

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751 This calls to mind the origin of the term “terrorist” who as an agent of the French government had the task of enforcing a perverse form of principle. Robespierre defined it: “Terror is nothing other than justice, prompt, severe, inflexible; it is therefore an emanation of virtue; it is not so much a particular principle as it is a consequence of the general principle of democracy applied to our country’s most urgent needs.” Maximilien Robespierre, *Textes Choisis*, ed. Jean Poperen, vol. 3 (Paris: Editions Sociales, 1974), 118. Translation mine.
752 Grant recognizes how the use of hypocrisy can be manipulated for private interests. In both of the corrupted forms of the “moderate hypocrite” and the “moralist” (the “complacent moderate” and the “righteous antihypocrite,” respectively), “hypocrisy is unselfconscious, consisting of rationalizations in moral terms for private ambitions and interests.” (171)
man, “may have been a Greek, not a Christian.”753 “Only singular institutions,” Montesquieu notes, “thus confuse law, mores, and manners, things which are naturally separate.”754 Indeed, to rid ourselves of hypocrisy is an impossible task, “and all attempts to find such an escape route are a delusion.”755

There is political capital to be made in that delusion, however. Extremists can use hypocrisy to their own advantage by feigning strict public morality (as well as private) in order to politically manipulate others. This often comes in the guise of religion – as the discussion of Hume’s “interested principle” demonstrates – though it can take other forms as well: ideologues who profess extreme forms of racism, jingoism, Stalinism, etc.756 Tolerating hypocrisy remains frustrating for the simple reason that being an antihypocrite can promise so much. We are disappointed that politics remains an area of conflict; we are upset that it has not liberated or equally enfranchised us to the extent it promises; we are astounded at its lethargy to educate and provide for the masses. Antihypocrisy masquerades as the “truth” and promises to rid us of these, our perpetual problems. The strength of its argument rests on its diagnosis which, because liberalism will always be inconsistent, seems prescient. Antihypocrisy is, “a splendid weapon of psychic warfare but,” Judith Shklar warns, it is, “not a principle of government.”757

Hypocrisy provides another way to look at singular faction, as both delusional antihypocrites and second-order hypocrites who employ antihypocrisy give rise to forms of it. Montesquieu’s virtuous monk is a perfect example of the delusional antihypocrite, though he was only harmful to himself. The former and the latter are

753 Shklar, Ordinary Vices, 64.
754 SPL, XIX.21, 321. Montesquieu advises against punishing those actions which “wound the divinity” but not the public, as they destroy political liberty. SPL, XII.4, 190; XXVI.11-12.
755 Runciman, 196.
756 Cf. Crick, 49-51.
757 Shklar, Ordinary Vices, 69.
not mutually exclusive, of course. Indeed, both Burke and Hume had doubts whether a delusional antihypocrite could exist, such as the monk, who was not also a second-order hypocrite with an agenda of his own. There is no purity in political motives, they argued, no matter how well intended. Their resistance to this type of hypocrisy united them, and to see how that resistance ties into party, we will return to their conclusions on political principle in the light of Runciman’s categorization of first- and second-order hypocrisy.

Men join political society because it is in their self-interest to do so. Such an understanding of self-interest rests on the idea that men are restrained for their own good so that greater ends (which are in their ultimate self-interest) might be achieved. As shown through all three chapters, each thinker described political principles that could regulate the way in which men – principally meaning statesmen – act politically. As men are inherently self-interested, each thinker sought to employ principle in order to restrain the negative effects of self-interest while also promoting its benefits, most notably for the energy it provided government. This meant being able to differentiate and balance between the principled ambitions of honor and the lower ambitions of self-interest.

These principles had different names, according to each thinker, although their effect was the same, that is, to moderate power, promote political liberty, and further the national interest. Montesquieu’s honor harnessed self-interest and directed it towards principled ends; Hume’s genuine principles taught men the usefulness of socially constructed guides of conduct; Burke’s prudence recognized the political

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758 Hume writes in the Enquiries that “Celibacy, fasting, penance, mortification, self-denial, humility, silence, solitude, and the whole train of monkish virtues,” are rejected by “men of sense” not because they are selfless acts done without an agenda, but because in fact they almost always are. They, “stupefy the understanding and harden the heart, obscure the fancy and sour the temper.” (270)
utility and necessary vigor of prejudice, but also recognized the point at which it was politically appropriate to curb prejudice so that the general interest could be protected. Most importantly, the political principles they advocated all tolerated first-order hypocrisy but prevented against second-order hypocrisy.

For Montesquieu, the political principles of virtue and honor are both forms of self-renunciation, more so in the former principle and incredibly less so in the latter, which limit individual will for greater ends. Though they do so in different ways – virtue blatantly discourages against the natural inclinations of self-interest while honor encourages them – both achieve long-term interests. Political virtue is a direct and more complete form of self-renunciation, as it instructs the individual to put the interests of the state above his own interests. Virtue seeks to operate at a level beyond individual self-interest and vanity to one where collective interest supports the republic. By renouncing individual and momentary interests, long-term interests are secured because the virtuous man is taught, and subsequently believes, that self-interest should always be subordinate to the welfare of the state. Nevertheless, this type of virtue could not abide hypocrisy.

Though both virtue and honor were forms of self-interest, Montesquieu concluded that virtue could only serve to destroy political liberty if it were the spring of contemporary constitutions. Public interest could never take precedence over all private interests without interference from private concerns. Consequently, a dissonance resonated from the conflict between the theory of virtue and the reality of its practice. Social conditions in Europe were changing faster than the pace to which virtue could become accustomed. It was simply outdated, since the constitutional arrangements which provided for collective virtue, namely an indoctrinating education, had become obsolete. Montesquieu therefore concluded that the system of
honor was the only abstract principle that could preserve political liberty in contemporary states.

The honorable man obeys the code of honor because he believes it is in his own interest to do so. Whereas virtue taught men that their self-interest was identical with being equal to their countrymen, honor taught men that it was in their own interest to maintain the prejudices of their “condition.” Honor is therefore predicated on self-interest and achieves the same ends as virtue, though much less harshly. Here, vice does indeed pay homage to virtue. Honor, “demands preferences and distinctions,” but it also forms men to act in ways which achieve long-term interests, if not always for themselves, than at least for the state as a whole. Like Mandeville, Montesquieu maintained that honor allows each individual to work towards his own interests (singular ends), but in doing so there is an unintended benefit to the common good (principled ends).\footnote{SPL, III.7. Mandeville, 51.} The honorable man is thus taught, and believes, that pursuing one’s self-interest is synonymous with defending one’s position and upholding the code of honor, which itself maintains the end of political liberty. Though virtue is intolerant of any form of hypocrisy, first- and second-order, honor tolerates the former form while preventing against the latter.

Honor regulates self-interest by its code, which requires that the honorable man be independent, self-serving, and self-respecting. The honorable man is more self-confident and self-governing than the virtuous man. He is at the same time independent of and obedient to the law, but is never subservient since he has a stronger attachment to the code of honor than to the laws. This singularity allows for the resistance to anything contrary to what the code of honor permits, even, if the
need arises, resistance to the sovereign.\textsuperscript{760} Honor thus restrains self-interest precisely when it matters \textit{politically}. It unites responsibility with self-interest, since that responsibility is to one’s position according to the code of honor. Thus, men could perform selfless actions, though they might be acting according to selfish motivations. The notable examples of honor maintaining the liberty of the state (Crillon and the Viscount d’Orte) were hypocritical self-interested actions, though they were principled and, as a result, beneficial to the state.

Montesquieu called contemporary honor “false,” which is to say hypocritical, even though it was just as “useful to the public” as “true” honor could have been.\textsuperscript{761} Montesquieu, like Hume after him, had no intrinsic faith in the truth of political principles. Like Hume, the value of a political principle rested in its usefulness, and its usefulness was measured by how well it regulated men in political function. All principle, for Hume, was socially constructed and lacked the truth it claimed it to possess. It took a “reasonable” man to recognize this, even though most reasonable men adopted principle for reasons of utility, habit, or self-interest, and employed it in order to achieve political ends.

Hume’s “genuine principles” are socially constructed guides of conduct that regulate men’s actions. They are held by those who recognize the utility of principle but who do not necessarily accept its credibility. Men who are motivated by genuine principle recognize the existence of contrary impulses within the mind and endeavor to achieve some kind of internal balance between blind faith and skepticism, both of which could lead to the extremes engendered by second-order hypocrisy.\textsuperscript{762} Enthusiasm, for instance, which is engendered by genuine principle, leads men to question, challenge, and confront authority. In this way, it maintains independence

\textsuperscript{760} SPL, IV.2. \hfill \textsuperscript{761} SPL, III.7, 27. \hfill \textsuperscript{762} \textit{Treatise}, 183.
and, though not free of self-interest or prejudice, helps to preserve the spirit of liberty.\textsuperscript{763}

Gallantry functioned in different ways, according to Hume. It formed men to seek out unique passions that could serve them best in their lives, and gave them the prudence to value genuine principle over interested principle. But more importantly, it moderated power by operating as the public reversal of a superior/inferior relationship (chivalry, hospitality, charity etc.). Gallantry also has an influence upon the sovereign who, because of the imbalance of power in his state, fears the jealousy of his subjects. Accordingly, he grants liberties that he might not otherwise have granted in order to better secure his own position. Power becomes gentler, even though the relationship of authority is strengthened by a tacit acknowledgment of it. Albeit hypocritically, self-interest is politically restrained at the point where self-interest and the potential exercise of power come together.\textsuperscript{764} In both cases, principle is tolerant of first-order hypocrisy but prevents against the extremes of second-order hypocrisy.

In explaining his understanding of prejudice, which he maintained was not a pejorative term for self-interest, Burke drew the clearest connection between principle and self-interest. Though it possesses negative tendencies, it is a necessary and legitimate principle. It is very close to Montesquieu’s principle of honor, which is, as Montesquieu understood it, a “prejudice.” It is a self-interest that is closer to self-respect, and the self-respect that is closer to upholding the dignity of one’s position. Prejudice guides men in a course of “wisdom and virtue,” instructing them as to the decisions one should make in political life. Most importantly, prejudice forms men so

\textsuperscript{763} MPL, “Of Superstition and Enthusiasm,” 76-79.
\textsuperscript{764} MPL, “Arts and Sciences,” 132-33.
that their virtue becomes their habit, and their duty “a part of [their] nature.”

Ultimately, prejudice is reason put to action. Though prejudice is biased and, in some ways, unfair, Burke maintains that it is not unjust. For Burke, prejudice is reasonable when it does not attempt to make truth claims, only a claim, like Hume’s understanding of principle, that its application in political society is practical.

Despite the fact that prejudices are factious by their nature, they cannot be removed. They result naturally from men’s interactions in society and are necessary to form connexions. Burke therefore supplies a second principle, prudence, which guides right action by checking selfish instincts and, as a higher principle, regulates the submission of the magistrate or representative to the national interest. Prudence corrects the degenerative tendency of prejudice by overriding it in political function. It prevents first-order hypocrisy from sinking into second-order hypocrisy. It also makes the exceptions and the modifications for moral action according to circumstance. Prudence fills the gap between principle and practice, connecting the two. While prejudice remains to give vigor to the government, prudence neutralizes the negative tendencies of self-interested men.

The principles advocated by all three thinkers aimed at appropriately limiting hypocrisy. Each thinker tolerated first-order hypocrisy because they believed that men, especially political men, were self-interested. Indeed, the foundation of government rested upon such a consideration of men as inherently self-centered. Political principle tolerates first-order hypocrisy as it seeks to smooth the rough nature of politics, though it also prevents against hypocritical extremes. Because hypocrisy tolerates the inconsistencies of men, it allows them to live up to the

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765 RRF, 182. Cf. SPL III.6
766 ANOW, 163.
expectations of political principle without sinking into despair or, worse, becoming second-order hypocrites. Furthermore, because principle is hypocritical, it turns vice into virtue precisely where it matters politically. It restrains men where political opportunity meets the abuse of power, where second-order hypocrisy begins to manipulate power. Most importantly, it recognizes that, “the greatest good that can befall men is the one they derive from the evil that besets them.”

What Judith Shklar called “the liberalism of fear” highlights just such a principled defense, similarly advocated by all three thinkers, against second-order hypocritical politics. Namely, this principled defense is set against fear: the fear of impartial power whereby one’s life, property, and prosperity are never safe. This is set in contrast to ideas of a benevolent despotism where our physical comforts are put before freedom. Such hope in a benevolent despot is pure fantasy, according to the liberalism of fear. Instead, the liberalism of fear, “begins with the assumption that the power to govern is the power to inflict fear and cruelty.” No matter how benevolent those who hold power are, benevolence is still not sufficient enough to protect an unarmed population. The liberalism of fear therefore “institutionalizes suspicion” and creates a “distrustful population” that protects against fear and secures its rights.

Shklar’s “fear” is not a vice itself, though it can incite vice by making our resistance to it weaker. Politically, fear is a large force to be resisted, and is equivalent to the unobstructed power that each political actor holds. As a result, it is not natural for men to resist fear. This is why pardons and reconciliation are so necessary in societies that have experienced forms of extremism. Reigns of terror demonstrate, “that resistance to terror is not a duty and that fear under protracted

767 Manent, The City of Man, 42.
768 Shklar, Ordinary Vices, 238.
769 Ibid., 242.
threats must inevitably wear down all but the heroic few.\footnote{Ibid., 149.} Principle instructs men to resist this fear, however, even when threatened with death. This is why Hume valued religious enthusiasm, for instance, even though he saw how dangerous it could be.\footnote{Sharon Krause, “Frenzy, Gloom, and Spirit of Liberty in Hume,” 301.} This continues to be true today; whatever can resist extremism and terror needs to be valued responsibly.\footnote{Grant provides one alternative in suggesting “integrity.” In asking if the idealism of youth, which eventually crumbles, leads to adult cynicism, she argues that the alternative we seek is integrity, which she calls “doing the right thing.” Doing the right thing may require deception, so we must decide which forms of hypocrisy are acceptable and which are not. (2) Likewise, Suzanne Dovi presents an argument that refines Shklar’s understanding of hypocrisy and argues that we should only accept certain hypocritical acts. “Liberal democratic citizens need to reflect on the hypocritical acts of their political officials, and decide which of those acts they ought to demand that their public officials stop.” Dovi does this by looking at the reasons for a hypocritical action, its context, and its effects. (5)}

The principles described and promoted by Montesquieu, Hume, and Burke are the political opposites of fear. The fear of fear, turned into a resistance to fear, provides the motive for action. They instruct men not to be afraid of fear, and at times to be brazenly resistant to it, even when they may not be fully conscious of why they are so, as Montesquieu’s illustration of the Viscount d’Orte demonstrates. In being principled, the Viscount’s vice was turned into virtue, albeit hypocritically. Nevertheless, instructing men in political principle, such as enthusiasm, is a difficult and potentially dangerous undertaking. The self-interested nature of man must be overcome, or as in the case of honor it must be equated with that principle. Even then, principle must be guided. Enthusiasm continues to have a thin line separating principled resistance to tyranny from more drastic acts such as terrorism, for enthusiasm can easily lead to delusion. This is a fact that political theory continues to struggle with today, and it centers largely on the concept of hypocrisy.

If an acceptance of hypocrisy is necessary for political principle to operate, there remains one aspect that connects principle to the resistance of fear: party. It is futile to expect that one man can singly resist fear. Even Montesquieu recognized that
the age in which the Viscount’s actions were possible had already passed. An individual resisting fear may be a martyr, but if resisting fear is a responsibility that all men must take seriously, as Burke argued it was, then a man acting alone is shirking his duty. Fear must be resisted by an incorporation of men – a party – for party is the only force that can effectively repel the force of fear. The next section will therefore take a look at who was to compose this party as well as how, and for what reasons, party was promoted.

Securing the Statesman; Securing the Party

This chapter has described how the principles that each thinker promoted appropriately tolerated first-order hypocrisy while preventing against second-order hypocrisy, but it remains to be seen how they envisioned incorporating principle that was based on self-interest into the constitution. All three thinkers connected political principle to factions within the government, whether as constitutionally permitted factions, such as a nobility possessed of prerogatives, or “parties” in the modern sense. Principle operating politically became not only an individual affair, but a corporate one. Who and how parties were composed remained important issues. Therefore, two questions must be asked. What role did political principle play in creating and regulating statesmen? And, what role did party play in regulating statesmen?

To discover the answer to the above questions, we must examine what might be called the “conservative” thought shared by all three thinkers, for their systems were all predicated upon a unique understanding of inequality and class division where the “governors” secure the advantages of society. Assuming for a moment that their systems all necessitated inequality, it should be remembered that each thinker
was a proponent of a “plastic” nobility. Such a focus upon the nobility serves to shed more light upon how, and by whom, they envisioned government to operate.

That man acted according to his own interests was plain enough to each thinker, yet a dilemma lay in the fact that men were often motivated to pursue their own interests to the detriment of the state. When men could no longer hope to attain the rewards of their work because of the limits of the constitution, they would seek to work outside its bounds or worse, destroy it. Indeed, in the *Reflections*, Burke gives such a reason for the destruction of the Old Regime.773 Thus, all three recognized a practice that suitably exploited the motivation of successful men in order that it might be employed towards political ends: venality.

Montesquieu stated simply, “a profession will be better pursued when those who have excelled in it can expect to attain another.”774 Though he believed in the weight of tradition, he did not believe that tradition was excuse enough to refuse ennoblement to those whose energy and intelligence had helped the state prosper. His reasoning for this was not on principle; that the nobility might be diluted or weakened by venality was of secondary importance. He feared instead what could result from ignoring newly rich or powerful men who held no direct responsibility to the state. By granting or allowing these men to purchase titles, the state guaranteed that those talents would then be employed in political function and, more importantly, within constitutional limits. Venality provided, “for performing as a family vocation what one would not want to undertake for virtue…it destines each to his duty and renders the orders of the state more permanent.”775 Inequality thus became a prerequisite for stable government. Men had to be set apart in political function for their own sake as

773 RRF, 240.
774 SPL, XX.22, 351.
775 SPL, V.19, 70.
the more dignified they felt, the more responsibility they would have towards their constitutional position and the stronger they would defend it.

Hume’s understanding of venality stemmed chiefly from his observations of the British constitution. He believed that as the power of the Commons or the monarchy increased, venality could help balance power within the state by instilling in or connecting to the Lords, rather than the Commons, those men who had a concerted interest intimately linked to the welfare of the nation. Such men would appear to be concerned with things greater than their material interests, for to safeguard their interests, political liberty and sovereignty had to be maintained. Thus the Lords, “would consist entirely of the men of chief credit, abilities, and interest in the nation…such an aristocracy would be an excellent barrier both to the monarchy and against it.”

Equally, venality could corrupt the state when it was not connected to principle or when principle did not moderate self-interest. Hume criticized Poland, for instance, for having an elective monarchy, the power of which he believed to be sold by the nobility for no other purpose than to enrich themselves.

A critical component to Hume’s understanding of venality, therefore, was the adoption of principle; without it, there was no responsibility attached to each constitutional position.

Burke believed that most men were motivated by personal gain, and very few by virtue. He also believed that men had a natural desire to improve their station in life, and therefore sought to channel such a desire towards ends that might benefit the government. He maintained that titled positions were lodged with political duties and responsibilities, the principle of prudence being one of those responsibilities. By appealing to the self-interest of men, Burke recognized, like Hume and Montesquieu,

that venality harnessed the influential men of the state into the ranks of the nobility where their obedience to the governing principle was co-opted and secured.\textsuperscript{778} Their power and influence, which previously had little political allegiance, was subsequently curbed by the prudence required of their constitutional position. Now constitutionally a part of the government, they could not work against it.

The most important effect of selling and granting offices was that it strengthened the nobility as a political class. Along with the selling of old or the creation of new titles came the necessary adoption of principle by those who had already proved their talents through the wealth or influence they achieved. Yet, it must be asked, why not strengthen any other part of the constitution; indeed, why the nobility? What was so special, according each thinker, about the nobility? As each chapter demonstrated it was from the nobility that each sought to secure the “governors”: Montesquieu’s initial division of political society, the “middling rank of men” that Hume saw as the most stable depository of political liberty, and the “natural aristocracy” that Burke believed were the best and most natural choice of men to operate in government. It is to their thought on the necessity of political inequality that we now must turn.

Montesquieu believed that inequality led to forms of moderate government, either aristocracy or monarchy.\textsuperscript{779} Extreme equality, on the other hand, led not to moderate government, but to despotism. To maintain moderate government, therefore, the constitution had to be discriminatory; indeed, Montesquieu appealed for all legislators to adopt the spirit of moderation, the motivating principle of aristocracies.\textsuperscript{780} Moderation was best achieved through a corporate nobility which could provide for the liberty of the state by operating as an intermediate body between

\textsuperscript{778} PD, 141.
\textsuperscript{779} SPL, VIII.8, 118.
\textsuperscript{780} Cf. SPL, III.4 and XXIX.1
the people and the monarch. Such a division of the state supported the constitution in two ways. First, the nobility could moderate the power of the sovereign. Second, by maintaining honor, different factions of nobility within the state moderated the accumulation of power by defending their own constitutional prerogatives since their positions, and their shares of power, were constitutionally guaranteed. Honor stipulated that each faction should be concerned with what it was owed according to its respective condition. This guaranteed that power and wealth in a state were both divided, and also provided a constitutional framework to which factions could appeal if their prerogatives were usurped.

Hume traced division and inequality to the historical development of each state. Along with the improved methods of husbandry and the division of labor, came a division of society into different classes which formed when artisans, merchants, and those engaged in all forms of industry evolved to become the middle-men between the highest (landed) and lowest (peasant) ranks of society. For Hume, this division, which increased inequality, mirrored the economic value of diverse talents and was a necessary step towards progress. Though political society made men more similar by the adoption of a national character, men were also distinguished by their unique talents, abilities, and passions, as well as by the prejudices of birth, titles, or possessions. These divisions did not weaken the state but instead gave strength to it. Though luxury increased inequality and lessened virtue, it encouraged politeness which, though hypocritical, was a product of the refinement in the arts. The end result was the creation of a “middling rank of men” who, by virtue of their talents and position, elicit “authority” and “consideration.” They are independent and powerful, yet they are not so powerful as to think it possible to unlawfully usurp

781 SPL, II.4, 18.
782 MPL, “That Politics may be Reduced to a Science,” 22.
power. They protect their rights as well as the rights of others and so are, Hume concludes, “the best and firmest basis of public liberty.”

In complex societies, Burke believed that a diversity of interests “must exist” due to natural inequalities among men. “Some decent regulated pre-eminence, some preference (not exclusive appropriation) given to birth,” should be mirrored within a state. The equal share of power, though hypothetically correct, was not, “amongst the direct original rights of man in civil society.” Like Montesquieu’s corporate nobility and Hume’s “middling rank of men,” Burke maintained that government should be composed of a “natural aristocracy,” who were formed from infancy to lead, guide, and govern. Though such men were not free from prejudice, the principle that taught them to uphold the dignity of their position, they were well schooled in prudence which, “taught to despise danger in the pursuit of honour and duty.” Most importantly, Burke wanted wealth and privilege to serve the end of principle so that it made one’s “weakness subservient to [one’s] virtue.” To be of the natural aristocracy meant to possess these qualities.

The principle that motivated government had an immediate effect on that government’s form. On this front, there are more overlapping traits than there are disparities among the three thinkers. The first and most evident area of overlap is their insistence in the independence of magistrates or delegates, from both the crown and the body of the people. Such independence created a “middle class” who, though responsible to both the lower and higher orders of the state, were never subservient to

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784 Ibid., 277.
785 RRF, 293.
786 Ibid., 150-51.
787 Ibid., 141.
788 ANOW, 168.
789 RRF, 142.
them. It is from this corporate nobility, “middling rank of men,” and “natural aristocracy” that all three thinkers found their statesmen.

Montesquieu maintained that statesmen should be able to act independently from those who elect them. In a mixed constitution like that of England, independence from the sovereign is a necessary quality of the nobility, as is their independence from the people. The people, who are “not at all appropriate” to discuss public business, “should not enter the government except to choose their representatives.”

Once elected, these representatives, who have been generally instructed by their constituents, need not be instructed, “about each matter of business in particular,” for if they were, “it would produce infinite delays and make each deputy the master of all others, and on the most pressing occasions the whole force of the nation could be checked by a caprice.”

Like Montesquieu, Hume believed that the people should have a limited role in the affairs of government. Representatives should reserve their independence from the people they represent, or else the country would be exposed to all the ills of popular tides. Hume thus encouraged legislators to govern “invisibly” so that they might promote the reason that lies in independence without the desire for greater power, which constitutionally lies in “that middling rank of men.”

Burke pronounced this idea with insistence and clarity. In his “Speech to the Electors of Bristol,” he made clear his intention to remain independent, though “informed.” Burke would “prefer their interest to his own,” but he would not sacrifice the national interest to local prejudice. It was his duty as a Member of Parliament to safeguard the welfare of the nation as a whole by prudently regulating

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790 SPL, XI.6, 159-60.
791 Ibid., 159.
793 RRF, 189.
the naked vigor of local prejudice that his constituent’s self-interest might invoke. Burke’s principle also helped to maintain an elongated political process whereby the people are separated from power. Critical to the legitimacy of government, therefore, is responsibility through public approbation garnered through fame and estimation, both of which check against the lack of principle in the statesman.

*A Party in Principle*

The application of principle in government found its form in the independent statesman, though the statesman had to have the ability to act in government in order for principle to be effective. However, Montesquieu, Hume, and Burke no longer trusted individual men to act unselfishly in government. Principle could only take men so far; the lure of power, in its many forms, they all believed to be stronger than what most men could withstand. Men were no longer “virtuous” as the state could no longer be an end in itself. Indeed, Montesquieu believed that the age of virtuous men had long passed. Society had become far too complex and made too many demands upon individuals for their allegiance to reside solely with the state. Hume, always questioning the logic others found in human nature, believed that men, even principled men, could be duplicitous; where the greatest liberty was allowed men could be expected to neglect the “justice” of government. Burke believed that the last great act of selfless resistance to tyranny, the Glorious Revolution, could no longer be repeated.

According to all three thinkers, division was a necessary part of society and, as such, should be mirrored politically. This division gave rise to faction and party, which each considered an increasingly necessary part of eighteenth-century politics. Though each recognized the danger of singular faction, this did not dissuade them
from abandoning party politics. Instead, each promoted what has been called in this thesis, principled faction and envisioned a unique role for “party” in constitutional government – party being the vehicle through which each thinker, in his own way, sought to encapsulate principle. Though their understanding of such a role differed, the end they envisioned was the same: political liberty.

In order to institutionalize principle, all three described the best possible principles that could be produced and maintained in practice. As Pierre Manent describes of Montesquieu, the thinkers of this thesis did not “seek” these principles, they “found” them. In “seeking,” one looks to theory and absolutes. By “finding,” however, one discovers what is already constructed. “Not much trouble need be taken to discover political liberty in the constitution,” Montesquieu writes, “if it can be seen where it is, if it has been found, why seek it?” Or, as Hume put it, “the question is not concerning any fine imaginary republic.” Each thinker described and heightened what already existed in practice instead of artificially manipulating ideas to fit some form of an absolute. In this way, they sought the good, not the true.

As discussed above, this was pertinent to the role that principle played in permitting political hypocrisy in a state, while limiting the attempt at political perfection. For Montesquieu, the code of honor protected constitutionally established prerogatives, which in turn maintained the liberty of the state. By appealing to “reasonable men,” Hume sought to institutionally channel the natural passions of man, both good and bad, for political purposes. Fearing that “remarkable” men could no longer be found Burke sought to institutionalize the principles that motivated remarkable men in party. This was an undeniable shift in political thinking. Whereas

794 SPL, XI.5, 156.  
795 MPL, “Absolute Monarchy or...Republic,” 52.  
796 Manent, The City of Man, 14.  
797 Canavan, The Political Reason of Edmund Burke, 6-10. “Human laws enact about the good; religion, about the best.” SPL XXVI.2, 495.
prominent statesmen had before been the creators of faction (usually singular faction) by virtue of their power or influence, all three thinkers now anticipated the creation of statesman by principled faction.

Montesquieu sought to incorporate faction that employed the governing principle into the constitution, believing that the potential benefits of principled faction (faction as positive competition within the state), if controlled, could outweigh the potential risks posed by singular faction. To be held politically responsible, however, one had to be a part of a constitutional faction, and to be a part of a constitutional faction, one had to be educated by the world in the code of honor.\textsuperscript{798} Honor as a principle thus necessitated faction, and vice versa. As employed by principled faction, honor stipulated both a balance of power among the established bodies of the state, and a balance between those bodies and the sovereign.

Far from being free of faction, a free state is, Hume believed, the cause of faction, though it can also provide the means for its improvement.\textsuperscript{799} A free state must be able to provide both the necessary liberty for faction to exist and the requisite authority needed to limit the degenerative tendency such liberty may encourage.\textsuperscript{800} As a result, Hume’s principled faction recognizes political authority by working within constitutional limits, but maintains its independence by appropriately channeling political ambition. Hume secures the operation of principle, and thus justice, by institutionally checking against its opposite. By appropriately channeling human interests and passions, which check for the lack of principle in elected representatives, Hume employs the structure of the constitution in order to regulate principle. Each faction possesses the power of oversight by accusation, though none hold positive powers with which to manipulate the constitution towards its own

\textsuperscript{798} SPL, IV.2, 33.
\textsuperscript{799} MPL, “Of Parties in General,” 55-56.
\textsuperscript{800} MPL, “Of the Independency of Parliament,” 45.
interests. Thus, the interaction among factions is akin to the individual’s understanding of justice. The oversight of one faction upon another restrains self-interest, though it does not necessarily limit the vigor of government as the overseeing faction protests only if that faction operates beyond the limit of its constituted rights.

Burke acknowledged that the presence of parties in government inevitably creates friction, but as “opposed and conflicting interests” deliberate, compromise, and moderate each other, such resistance could be constructive. When employed by principled faction, the constructive antagonism engendered by prejudice thus served its own ends. Additionally, Burke chose to see in the British constitution a synthesis created by this continual political dissonance, indeed the most perfect harmony that was possible under constitutional government, instead of the discord and absence of perfection that the “king’s friends” and Dr. Price railed against.

By putting the emphasis of principle upon party, rather than the individual, Burke institutionalized the principles of prejudice and prudence in party form. Party now became the guarantor of their presence in political function. Prejudice makes one jealous of his liberty, while prudence makes one observant of the constitution which provides for that liberty. To be a member of a party, one must embody both. By creating this shift, Burke hoped to transfer the responsibility of maintaining the national interest from the “wise and the good” to the party, so that the presence of the appropriate principles could be guaranteed in government. Not believing that the actions of the Old Whigs could be repeated, he attempted to rid political society of the

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801 RRF, 123.
802 That the Whig party no longer embodied both is why Burke split from them. Thus, one of Burke’s last political acts speaks louder than his words. For Burke, there had been an “entire Revolution” in the Whig party, “by which it has wholly engaged its Character, its principles, and the foundations on which it stood.” In becoming more democratic, the party had lost its “Aristocratick Character.” Burke always believed his party to be an aristocratic party, meaning a party that not only maintained the principles of the aristocracy (his “natural nobility”), but asserted them upon party members: “as men of activity and party should be successively joined to the party, they were to adopt that Spirit.” Burke, “Letter to Earl Fitzwilliam” [21 November 1791] in Selected Letters of Edmund Burke, 467, 468.
need for remarkable men via the party system, which could refine principle and limit ambition, while institutionalizing the principles, and not the actions, of the “wise and the good.”

Party had come to mean something new by the end of the eighteenth century. It no longer represented a singular form of government but instead came to symbolize a “body of men united,” as Burke put it, which pursued the national interest. By coupling the political ability of a governing class with the political responsibility inherent in its principle, party could now secure the advantages of society. The answer came in three steps, the first two of which secured able and responsible statesmen, engendered by inequality and principle respectively. In order to avoid the inconsistency of individual men, the third step incorporated the actions of able and responsible statesmen into party.

The constitutionally mandated structuring of an unequal society was the first step in creating able statesmen that possessed the necessary political ability to govern. Inequality was thus a necessary part of creating the conditions whereby a class of statesmen (a corporate nobility, a “middling rank of men,” and a “natural aristocracy”) could be educated in political matters. Because of its exclusionary nature, such a structured society produced a class of men that, due in large part to their prejudice of position and condition, valued independence over subservience, and were less susceptible to second-order hypocrisy. Independence is only as good as what one does with it, however. Since ability alone was not enough to govern, it had to be coupled with political responsibility through the adoption of principle. One necessitated the other since the adoption of principle was coupled with one’s position and could not be separated from it. This gave constancy to the capability of
government and certainty to the inclusion of principle in it. Principle instructed men how to be politically responsible by restraining the natural inclinations of self-interest, but it did not do away with self-interest altogether. It appropriately instructed statesmen in the balance between, as Burke described, prejudice and prudence, the one to give vigor to the government, the other to curb the overenthusiastic tendency of defending one’s own interests (or one’s constituency) to the detriment of other interests in the state. More importantly, it helped men recognize that in order to act prudently in politics, their vice must pay homage to virtue. Though hypocritical, “false honor” is socially useful. “And, happily, men are in a situation such that, though their passions inspire in them the thought of being wicked, they nevertheless have an interest in not being so.”

Political principle, which once aimed to form men, now sought to restrain them for their own good. As a result, the end of political principle had changed from an end in itself (such as Aristotle’s “best life”) to the end of political liberty. Principle could no longer form men to achieve the good life, but it could instruct them in political function so that the best possible political life could be achieved. Principle changed from a quality of character that personally instructs the subject for what he thinks is in the interest of the nation but is ultimately self-defeating (think Montesquieu’s virtue), to one, such as honor, that instructs the subject for what he thinks is in his own interest, but is ultimately to the benefit of all. The motive for this principle is undeniably hypocritical, but hypocrisy gives to this principle additional strength in resisting corrupt power and fear.

Principle also informed the statesman of the political responsibility to moderate power in the state. Each thinker’s principle did this precisely where it

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803 SPL, XXI.20, 389-90.
mattered politically, or where inequalities of power met with the potential exercise of power, and the fear one has of its abuse. Though it reaffirms in many ways a previously established and sometimes unequal system, principle helps to protect legitimate minorities and weaker members of the state because principled men are incited to action when something occurs which is contrary to their principle, the illegitimate usurpation of power being one such act. What’s more, the existence of a constitutionally mandated nobility, by being exclusionary though plastic, encouraged all men in the state to put their energy towards enriching themselves with the ultimate aim of being rewarded with recognition by the state. By being plastic, the nobility subsequently secured the allegiance of such successful men and instilled responsibility in their actions, co-opting and moderating the potential use of their newly acquired power.

Ability coupled with responsibility, a formula that produced principled statesmen, was again not enough. Steps one and two created politically proficient and responsible statesman, though neither guaranteed that the advantages of society would be secured. The second step hinted at the necessity of faction, whereby one’s position was contingent upon the adoption of principle, but a third step was still needed; it was not enough to assume that men would consistently maintain the dignity of their position. This third step incorporated principled faction into the operation of constitutional government, and by doing so shifted the responsibility for the operation of principle in government from the individual holding the position to the party, making principle prior to the individual in government, and not the other way around. Whereas step one formed the statesman, and step two instilled political responsibility, the third step anchored that responsibility in the party. In this way, party became synonymous with principle, and constitutional government became synonymous with
party government. This was no small change in political thinking and it deeply impacted our modern understanding of party. What are the results for us today?

Party and Hypocrisy Today: what are the advantages of society?

One difference in thought upon party today continues to persist, as much as it did in the eighteenth century, a difference recognized by Rosenblum in On the Side of the Angels. Rosenblum sets her argument against normal appreciations of party, which argue that partisanship is needed in order to realize the value of parties, and argues instead that party is the “carrier” of partisanship. It is a reversal in precedence, and an important point regarding this thesis. Montesquieu, Hume, and Burke all pronounced an understanding of party as principled faction, and by Burke we find an argument that matches Rosenblum’s: party is the vehicle by which the virtues of partisanship are upheld and secured so that they can be maintained in (not necessarily by) the members of party. A strong argument still exists for returning to the emphasis of party as the carrier of partisanship, instead of one that considers partisanship a necessity to discover the value of parties. The former argues that party is and has been the carrier of political principle, while the latter argues that it is only principled men or women who give value to the party system. By promoting the latter, our faith in constitutional government is lost when we lose faith in individuals who lead party, since only they can give value to the party. If, however, party is recognized to be the carrier of partisanship, greater faith can be put in the constitution because it is recognized that partisanship – which alone can secure the opinion of political liberty – is secured and maintained by party, something much greater than inconsistent individuals.

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804 See Rosenblum, ch. 7.
Party today remains *the* fundamental aspect of representative government, even though it is largely a “private” part of every constitution, or what Bolingbroke called the “government.” Though it is conceivable without party, and is indeed much theorized in the absence of party, politics does not exist in practice without it. Despite its omnipresence, party remains an uncomfortable thought. It is divisive and its very presence highlights two unpleasant facts: the political body can never be made whole, and politics will always fall short of our expectations if we continue to believe that it can. The thinkers of this thesis never had such expectations, of course. Instead of seeking ways out of the party system, or ways out of “party politics,” they proposed ways in which self-interested parties and hypocritical politicians would continue to play within the bounds of politics, all for the greater good.

Starting with the wrong premise – such as how to rid ourselves of party politics – means the wrong questions are being asked. Today, the question should be: why is it that self-interested parties and hypocritical politicians continue to operate within the bounds of politics? A more honest question might be: why would parties give up power at election time? Indeed, what is it that influences them to do so? As this thesis has argued, Montesquieu, Hume, and Burke proposed some answers that might help us better understand these questions.

The introduction of party to constitutional government has had profound effects. The first and most obvious result of this change is the emphasis now placed upon party, and the lack of prominence now given to the individual. By orienting the passions of ambition into party, individuals cannot achieve direct political influence or power without first going through its rigmarole. This has the effect of directing
and moderating men’s political ambition. More importantly, it makes sure that those men who operate in government are men of party, and hence men of principle.

At least we hope they are men of principle. This was a much simpler affair when class was synonymous with principle. Earlier thinkers, Mandeville in particular, believed that only well-bred gentlemen could maintain first-order hypocrisy. Yet, the thinkers of this thesis came to recognize what Mandeville did not: the social and economic system that supported the class of well-bred gentlemen was and would be continually under threat. As Montesquieu noted, England’s, “political interests give way to the interests of its commerce.” Accordingly, parties would come to represent politically what class had previously. Though they all came to describe what has been called in this thesis as “principled faction,” the differences in their thought are demonstrative of the fact that the idea of a well-bred gentleman was constantly changing. Though he was aware of political and economic change, especially as it occurred in England, Montesquieu focused on faction as class, and thus principle as the prejudice of one’s condition. Hume considered two examples: faction as an institutional mechanism where principle was operationally negative, and faction as a middling rank of men who maintained “reasonable” principles. Burke focused on faction as party (largely aristocratic, in values at least) where principle was a balance between prejudice and prudence.

Though it is clear that states today are still composed of governing classes, these classes can no longer be defined as an “aristocracy,” which is the one simple way to connect all three different understandings of principled faction in this thesis.  

805 SPL, XX.7, 343.

806 Each certainly maintained a personal idea of themselves as such. Montesquieu was président a mortier but more importantly, he was of the noblesse de robe. Hume characterized himself as “from a good family” that was of “a branch of the Earl of Home’s” and from “Sir David Falconer, President of the College of Justice.” (My Own Life, xxxii) Burke associated himself with a man who was identified
Honor as a principle has linguistically changed from one allied with class to one allied with party. An aristocracy no longer exists, though something else has taken its place: a plutocracy, a meritocracy, a “partyocracy”? Regardless of the appellation, one which varies according to the state in question, party still plays a large part in deciding who composes this governing class, and relies in many ways upon forms of inequality, though it is not strictly based upon an inequality of wealth and pedigree as it was once was. Today, though it varies greatly by state, parties select their members through such strictures as wealth, talent, education, pedigree, race, gender, or creed.

The field may have widened, but the party system has actually helped to make representative government less democratic and hence more hypocritical. Since men are now chosen for election via party, a more fundamental political shift has taken place. Election, and not lot for instance, separates men and creates a political class that, now regulated by party, must (or should) act in a principled manner. The process of election is designed to select those who have already set themselves apart from others in some function, but it cannot always be known in what ways men have established themselves. Fearing a Wilkes, as Burke did, the establishment of party government now adds another protective layer to the process of election. It selects those who are to be selected, and makes a system based upon inequality (in its most basic form an inequality of talents) even more unequal. This second step is constructive, however, as the principle of party is now secured in the representative even before he is elected, since the adoption of party principle is necessary and prior to the election itself. Whereas venality previously secured ambition and linked it with political principle, party now selects those who it deems worthy of political service. This further separated the citizen from the representative, and therefore altered the

to hold a constitutional position, the Marquess of Rockingham; and, he derided another for not upholding the dignity of his position, the Duke of Bedford.
understanding of citizenship. Under the discriminating constraints inherent in the party system, fewer candidates run for office and, as a result, citizens become an increasing source of legitimacy (often as antihypocrites) rather than potential candidates and rivals. 807 Because they are previously selected by a party, candidates become increasingly separated from the electorate and election takes on what might be called a “refined nature.”808 In this way, as James Conniff wrote describing Burke, party serves to, “control and domesticate the people even as it works for reform.”809

This leads us back to the discussion of party and hypocrisy. The unique political problem – the gap between the eighteenth century and now – is that liberal societies have become democracies of a sort that have adopted this “refined nature” of election. Because of the inherent limitations faced by large democracies, sincerity has lessened the more “democratic” states become. Representatives must at once be seen to be of the people, while at the same time above them in order to speak for them. In order to sustain this double act, political leaders need to wear different masks; they, “need to be familiar enough so that we let them rule us, but not so familiar that we cease to regard what they do as rule.”810 They need to be Janus-faced hypocrites who understand both the political necessity of hypocrisy for compromise, and the political nature of election by those who are (and will be at election time) antihypocrites. This occurs most often among competing politicians, as the easiest criticism to make is that your opponent has failed to live up to his own professed ideals. It is certainly easier than arguing against an opponent’s political convictions.

The paradox of liberal democracy is that it encourages hypocrisy because the politics of persuasion require…a certain amount of dissimulation on the part of all speakers. On the other hand, the

807 Cf. Manin, 92, 149.
808 By “refined nature” is meant only that other strictures that maintain political inequality today have replaced the dominance that the strictures of class and pedigree once had in politics.
809 Conniff, 171.
810 Runciman, 43.
structure of open political competition exaggerates the importance and the prevalence of hypocrisy because it is the vice of which all parties can and do accuse each other.811

As Pierre Manent writes, describing Montesquieu’s understanding of a representative, “the faithfulness of the representatives to the electorate is valuable only if they also know how to be unfaithful.”812 Then, as now, the difficulty of this double act, as well as the susceptibility of it to manipulation, highlights the need for party, in which principle (which flags and limits the individual’s tendency to use hypocrisy for the abuse of power) is now institutionalized, as it alone can regulate principle by tolerating first-order hypocrisy while preventing against second-order hypocrisy.

We may need to hide the truth about ourselves by adopting manners to alleviate our inconsistencies, but in practice, and especially in politics, there is no need to deny that manners are hypocritical. Thus, some people are hypocritical because the system requires it. Others are hypocritical, however, because they seek to manipulate politics; these are second-order hypocrites. The former are more honest (or should be), though there is an irresistible temptation into using hypocrisy for one’s own ends, often to the detriment of others. Another problem with the former is that they can be naïve about hypocrisy and its uses. Politicians and statesmen must understand the charade that is hypocrisy in politics, which means not only understanding its limits, but also how that charade can be manipulated. If hypocrisy is abused, taken too far, or denied altogether, the charade is likely to fall apart, and the system is likely to fail. Just as someone can be too hypocritical, so too can one be too honest and therefore ignorant of the way in which others abuse it. Being too honest can lead to underestimating those who are second-order hypocrites, those who seek to create singular faction. By encapsulating principle in party, the responsibility of

811 Shklar, Ordinary Vices, 48.
812 Manent, An Intellectual History of Liberalism, 57.
appropriately tolerating and preventing against different forms of hypocrisy is secured in party, not individuals; “remarkable men” were no longer needed. Let us return, then, to the assumptions formed earlier in this conclusion to see if the constitutional thought on party and principle of Montesquieu, Hume, and Burke might still be relevant today.

The “institutionalized suspicion” of the liberalism of fear results from the antagonism of the party system. Party rivalry is constitutive, and helps to establish the conflict of opposing reasons. It has historically been assumed to exist, or rather tolerated when anticipation beget practice, as argued in the introduction. As demonstrated in each chapter, parties, both in and out of power, became “defensible parts of the whole,” and not parts seeking to create their own whole. The parties were antagonistic, though necessary; more importantly, they became inclusive. As political divisions, whether as class, branch, or party, principled factions recognize established sovereignty, admit that political conflict is inevitable and ineliminable, and share with other parties a similar concept of justice. As parties continue to be regulated by principle today, the political thought of Montesquieu, Hume, and Burke concerning party politics still merit our attention.

Bernard Crick gives perhaps the most cogent definition of “politics.” It is, he writes, “the activity by which differing interests within a given unit of rule are conciliated by giving them a share of power in proportion to their importance to the welfare and the survival of the whole community.”813 It arises from “a recognition of restraints” and is best conducted amid rival interests. Politics is, in fact, what holds a state together. It is established so as to defend each and every minority. It is not a

813 Crick, 21.
common interest or a “general will,” nor the rule of the majority or a minority. The
general business of government is to maintain order, and the hard truth is that it is the
political operation of principled faction itself – the party antagonism – that maintains
order, not the operation of the government, for order in politics is really nothing more
than the possibility for, and the realization of, diversity and change. The purpose of
the political state is not just to keep the ship afloat. Such people “have a rather
curious view of the purpose of ships.” There may not be a particular destination in
sight though some directions are clearly preferable over others since continually
moving and adapting – changing, that is – is not only inevitable, but necessary in
order to preserve.

To continue this metaphor, as Crick does, it must also be remembered that
states are no longer a ship. They are, at best, a convoy of different interests; it is
politics that corrals and directs them. If parties are ships in a political regime then
the, “only basic agreement in a political regime is to use political means.”
Principled faction, and party today, may differ in their religious, civic, economic, or
social beliefs, but they are settled on the political means that they can and will use to
assert those beliefs in the public realm. Since there is no single view of the general
welfare, politics, and hence party politics, are more necessary than ever. Politics is
not a singular endeavor, nor does it exist as something so frightening as a “general
will.” In plural societies, the best that can be done is to find out what people think the
general welfare should be, and to provide the means for discussing the divergent
results of those opinions. It is not what people want that should be sought as political
ends, but what people think is possible. Political ends should be found, not sought.

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814 Ibid., 108.
815 Ibid., 24.
816 Ibid., 118.
817 Ibid., 54.
Often, this takes the limited form of agreeing on how to discuss disagreements, not necessarily agreeing on the ends of political decisions.\textsuperscript{818} This entails the willingness to seek acceptable compromise from each side’s stated positions and accepting the role of hypocrisy in politics. It requires tolerating opposition, finding harmony in dissonance, and, most importantly, vigilance against forcing any harmony into unison.

Party antagonism and the principle that regulates that antagonism, as described by the thinkers of this thesis, should be brought about in an operationally negative manner, as demonstrated by Montesquieu’s nobleman shouting “\textit{mon droit},” Hume’s court of competitors, and Burke’s historical interpretation of the Commons that acted as a control for, and not against, the people. Party antagonism was motivated by groups seeking to secure \textit{their} rights, not the rights of others, and especially not the rights of “all men.” Burke claimed that “liberty” could only mean “liberties”; \textit{mon droit} is not \textit{liberté}. The law in politics was always more fundamental than an idea; it was tangible, real, and directly applicable. Theory can only promise something for the future; more often it can only deliver in the hereafter. Corporate resistance to corrupt power was therefore practical (not theoretical), defensive, self-serving, and based upon previously established rights.

Modern party shares much with this definition of party. Rosenblum describes the antagonism, or as she puts it “regulated rivalry,” of modern parties:

\begin{quote}
As long as partisans accept regulated rivalry, do not aim at eliminating the opposition, and concede that political authority is partisan and contestable, there is no moral imperative for them to assume the view from the outside, the perspective of the impartial observer. It suffices that parties reject identifiable elements of the others’ projects and promises, create politically relevant divisions, and accept regulated rivalry as the form in which they are played out.\textsuperscript{819}
\end{quote}

\textsuperscript{818} Cf. Ibid., 72-73, 170, 247-254.
\textsuperscript{819} Rosenblum, 143.
The party system brings together partisans in a deliberative process that though hypocritical, is necessary. Every political act that appears hypocritical must at least acknowledge certain moral standards of right action in politics, or put in terms more often used in this thesis: duty. What matters in politics is what men actually do: “‘sincerity’ is no excuse for acting unpolitically, and insincerity may be channeled by politics into good results,” Crick remarks, “even hypocrisy, to a very, very small degree, keeps alive something of the idea of virtue.” Pretense of virtue can provide for political restraint; it provides for civility, if nothing else. Principle helps us to tolerate our own hypocrisy and as such allows our vice to pay homage to virtue. Just as importantly, it instructs us in appropriately tolerating the hypocrisy of others so that their vice may pay homage to virtue.

Political deliberation among parties today, “requires the rough process of a struggle among combatants fighting under hostile banners.” Party antagonism has its purpose, and in the realm of the political it defends and refines; it motivates and moderates; it gives meaning to a cause and sets the debate; ultimately, it establishes compromise while maintaining difference. Parties determine the range of matters for discussion, decision, and ultimately compromise. Partisanship thus contributes to political stability, and appropriately employs and confines hypocrisy. In politics, principled political actors must play a hypocritical role that is, by and large, already written for them by their party. Party permits statesmen and representatives to be independent of those whom they would normally be dependent upon (voters, the monarch, etc.). This allows them to be better politicians than they would be without party: “if they all simply represent their immediate constituents and did not mediate,
compromise, and occasionally think of the interests of government, they might
survive, but it is unlikely that the Republic would. Hypocrites play a role to which
party confines them, and perhaps this is the best possible result because party, rather
than law, defines their role and the extent to which they can be hypocrites.

Parties are long-term institutions restrained by the political memory they carry
with them. This political memory in turn shapes political principle, or what
Rosenblum calls partisan identity, and could be a direct extension of the way in which
Montesquieu, Hume, and Burke understood the theory of consent: “Partisan identity,
with its incorporation of party history and character, however small, is a touchstone
and a check on short-term, arrant, political considerations.” If party continues to
secure the advantages of political society, or what Hume called “justice,” it remains to
be answered just what those advantages are, if indeed such a question can be
answered at all.

In the quote that heads this chapter, Charles Howard McIlwain summed up the
dilemma faced by all constitutional theorists, a dilemma that rests upon a pressing but
ultimately unnecessary assumption. That is, constitutions, and thus political society,
should be constantly perfected; the “good” that McIlwain mentions should always be
sought. But at what costs, he asks? This is an important consideration, though it
leads one to consider something McIlwain does not ask: whose “good” and whose
“evil” are we talking about? If we cannot definitively decide that, and in most (if not
every) society we cannot, then we are not talking about issues of “good” and “evil,”
but opinions of better or worse, expediency versus obstruction, tyranny of the

822 Crick, 69. The difference between the thinkers of this thesis and Crick is that, though doubtful,
Crick still promoted the idea of an active citizenry that could secure the long-term interests of society
by “helping others.” (272) Putting their faith in the citizenry would be asking too much of
Montesquieu, Hume, or Burke; it was enough that they put faith in party.
823 Rosenblum, 355.
majority versus tolerance of the minority, and organized moralities versus established 
law.

Because of this inability to definitively decide the good in a society, 
constitutions cannot aim at securing the best, or even the good. The end sought by a 
constitution cannot be an improved state of being; it must be an improved state of 
mind. Constitutions can only aim at securing a shared opinion of the good, which 
brings us back to the definition of political liberty as given in the introduction: “that 
tranquility of spirit which comes from the opinion each one has of his security, and in 
order for him to have this liberty the government must be such that one citizen cannot 
fear another citizen.” Political liberty in a state is a shared opinion, and since it is 
shared by all (or all who are enfranchised), the constitution seeks to obstruct what is 
most expedient, tolerate minorities, and establish law that in its execution is 
independent of ever-shifting moral considerations. This is indeed Shklar’s “liberalism 
of fear” that principled faction seeks to uphold. In this way, the party politics of 
principled faction is prior to this improved state of mind; “the governors,” Hume 
reminds his reader, “have nothing to support them but opinion.” As Crick remarks, 
“If consensus is simply taken to mean that a high degree of agreement in fact exists 
about social values – all right; but this is more likely to be a product of politics than a 
condition.” Or, more to the point, “the moral consensus of a free state is not 
something mysteriously prior to or above politics: it is the activity (the civilizing 
activity) of politics itself.” The end may be “political liberty” but as that is an 
opinion, how that opinion is secured – party politics – becomes just as important as

824 SPL, XI.6, 157.
826 Crick, 177.
827 Ibid., 24.
the opinion itself. The existence of party politics is antecedent to any opinion one can have of political liberty.

Intolerant of party politics, singular faction seeks and encourages the expedient; it is intolerant of minorities; it seeks to merge the law with its own moral considerations. Singular faction is doctrinaire. It refuses to recognize the right of other factions to exist and argues, “that some of these groups must be eliminated urgently, illegally, and unpolitically if other great benefits are to follow.” Even though it is extremely hypocritical itself, it cannot abide the hypocrisy of others.

Principled faction, on the other hand, obstructs by its very nature; it instructs men to tolerate and respect difference; it separates prejudice from law, local considerations from the national interest and teaches men to prefer the latter. By doing these very things, it secures the opinion of political liberty in a state which, because each thinker recognized that political liberty is intangible, remains the best that can be secured in constitutional government. Indeed, the constitutional operation of principled faction does not aim directly at an improved state of being, but a state of mind which provides the foundation for securing “justice” as well as “the advantages of society.” This state of mind – this opinion of one’s liberty – encourages men to improve their state of being, from which they can tangibly secure the advantages of society. Thus, the state of mind, engendered by party politics, is an opinion that, like Montesquieu’s false honor, “is as useful to the public as the true one would be to the individuals who could have it.”

828 Ibid., 32.
829 SPL, III.7, 27.
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