

Book Review: Edmund Burke and The Natural Law By Peter J. Stanlis

John A. Rycenga

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BOOK REVIEW

Stanlis, Peter J., *EDMUND BURKE AND THE NATURAL LAW*. Ann Arbor, Michigan: University of Michigan Press, 1958. 311 pp. \$5.75.

It is not likely that the enduring value of this work can be inhibited by Professor Stanlis's modest disclaimer that "There is little new in the general thesis of this book." While it may be true that "sound humanist and Christian scholars" have "correctly assumed that Burke was essentially a Christian statesman and that his political convictions conformed with the ethical norms of the Natural Law," the great and singular merit of Professor Stanlis's work is that it incorporates such earlier hints and intuitions into a full-scale, original analysis of the Natural Law tradition as it operated throughout the corpus of Burke's published (and, Professor Stanlis assures us, yet unpublished) works.

It is certainly true that Burke's more important nineteenth and twentieth century critics saw him as an opponent of the Natural Law. Burke's steady insistence upon the realities of any political situation, his refusal to throw over institutions in favor of "metaphysical natural rights," were interpreted as prudential conservatism acting for the greatest good for the greatest number. Thus John Morley, for instance, labeled Burke a "liberal utilitarian." Other critics tended to follow Morley, dismissing Burke's appeals to the Natural Law as mere rhetorical flourishes.

Professor Stanlis begins by tracing carefully the historical source of the confusion of utilitarian and positivist scholars of the Morley type. Besides what Professor Stanlis calls their "limited moral imagination," these men were the heirs of a philosophical confusion introduced into English thought by Hobbes and sanctified by the pious compromises of John Locke. Far from understanding the Natural Law as it was rightly understood by such thinkers as Cicero, St. Augustine, St. Thomas Aquinas, and Blackstone, Burke's contemporaries and his later critics understood by the Natural Law some application or development of the Hobbsian principle that natural law is some "precept or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life." (*Leviathan*, Chapter XIV) Professor Stanlis, in what is perhaps the most crucial historical distinction of his book, summarizes brilliantly the results of this confusion for eighteenth century and later thinkers: "Under the influence of physical science, the conscious attacks of Hobbes and the inept compromises of Locke, the eighteenth century was guilty, not of the total destruction of the traditional Natural Law concepts, but of a hopeless confusion [of the traditional Natural Law] with alien principles and arbitrary claims made in its name. Similarly, nineteenth and twentieth century critics failed "to distinguish between eighteenth-

century "natural rights," which was a revolutionary doctrine, and the still vital but submerged and partly deformed traditional conception of the Natural Law."

Having established the traditional conception of the Natural Law, Professor Stanlis next illustrates Burke's knowledge of it, and his application of its principles to concrete political situations. A single example of Professor Stanlis's method will serve to show the positive contribution the book makes.

The appearance of Burke's *Reflections on the Revolution in France* (1790) was met with cries of indignation from pamphleteers and liberals the world over. These critics read in Burke's stirring pages an impassioned defense, for its own sake, of prejudice and tyranny. John Morley, for example, felt that Burke saw the Revolution too fixedly as a political rather than a social question:

"Burke did not yet see, and probably never saw, that one key to the events which astonished and exasperated him, was simply that the persons most urgently concerned had taken the riddle which perplexed him into their own hands, and had in fiery earnest set about their own deliverance."

But it was not that Burke opposed the Revolution because, as Morley put it, the Revolution "could not be executed without disturbing the natural course of things." Rather, he opposed it because it was a gross moral oversimplification. For Burke, man's "natural rights" did not proceed *a priori* from the hands of a "constitution-monger" like Abbé Sieyès who had "whole nests of pigeon-holes full of constitutions ready made, ticketed, sorted, and numbered; suited to every season and every fancy." (Burke, *Letter to A Noble Lord*) Man was a political animal and for Burke, as Professor Stanlis puts it, "natural rights . . . are a matter of practical political reason, and are to be found only within the objectives and conventions of civil society." Revolutionary theorists, Burke declared in the *Reflections*, "are so taken up with their theories about the rights of man, that they have totally forgotten his nature."

Society, for Burke, was not a disparate collection of individuals ruling themselves according to their own emotions. Though society is a contract, it is not a contract revocable at the whim of any group of metaphysical, enthusiastic visionaries. Society is "a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born," — such was Burke's idea. In this conception of society, law was sacred, embodying the civilization and the morality of a people. To break such a contract was not only sinful but self-defeating. Professor Stanlis expresses well Burke's position on the matter: "To Burke nothing was stronger proof of individual depravity than an unwillingness or in-

ability to live under the moral laws as that law was variously embodied in man's inherited institutions." When man abandoned his institutions in favor of his emotions, he placed government, inevitably, in the hands of tyranny; he unwittingly started himself on a road whose end was stark violence. Burke's warning about visionary theorists ending in violence is among the finest sentences of the *Reflections*: "In the groves of *their* academy, at the end of every vista, you see nothing but the gallows."

Man, then, is born into a society willed by God and fixed in its operations by natural law. Professor Stanlis's most valuable contribution, so far as practical politicians are concerned, might well be his searching analysis of the manner in which Burke conceived that changes might be made within such a conception of society. To begin with, man should not, as did the French Revolutionary theorists, throw over in any fit of adolescent pique every principle, every advance, every act of charity that had received the sanctification of civil law. He should operate — practically — by enshrining prudence. For Burke, Professor Stanlis tells us, "prudence is the spirit of God's moral law fulfilling itself throughout history." It is this principle of prudence that makes Burke at once a liberal and a conservative. Changes in society, Burke declares, must come about. But they come about by conformance with what has gone before:

"By a constitutional policy working after the pattern of nature, we receive, we hold, we transmit our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives." (Burke, *Reflections*)

Professor Stanlis does not, of course, confine himself to Burke's thought on the French Revolution. He analyzes also Burke's use of the Natural Law as it relates to the Law of Nations, the relationship between Church and State, and the enigma of human nature. Finally, the book demonstrates that "what was most remarkable in Burke was the sustained consistency of the Natural Law in his thought and career." Critics have always recognized Burke's practical Christian charity; Professor Stanlis's analysis places him in an even more distinguished light. "The whole of Burke's political career," Professor Stanlis declares, "is profoundly instructive in the moral wisdom of Christian statesmanship." Further, "for a vast number of people, therefore, Burke is a restorative of the Christian-humanist wisdom of Europe, based on the Natural Law." Professor Stanlis's vigorous closing chapter points up brilliantly what Thomas Gilby recently pointed out:

"To break with tradition and erect a state on purely rational principles is dangerous; and Burke's criticism of Jacobin doctrinaires has not been contradicted by the Hohenzollern Empire,

the Nazi Reich, or the twentieth-century Russian experiment.”
(Thomas Gilby, O.P., *Between Community and Society*, p. 221)

In conclusion, it is simple duty to remark upon the deep and unpretentious scholarship of this book. In no sense doctrinaire, parochial, or partisan, Professor Stanlis's book is marked throughout by a spirited clarity of style. Though the book abounds in passages which achieve startling and effective compression without sacrifice of necessary matter, it would perhaps be best to close with a passage that illustrates not only the book's compelling style, but its compelling thesis as well:

As a normative code of ethics, the Natural Law was the basis of [Burke's] conservatism; it taught him that man and society were organically immortal, and were bound through precedents and conventions beyond history to God. The principle of prudence underlay Burke's liberalism, his sensitive regard for men's differences, his veneration of local loyalties and prejudices, his intense dislike of arbitrary absolutism, and his skepticism of ideal, simple, universal, and uniform plans of government. Burke's acceptance of the Natural Law and principle of prudence made his political philosophy thoroughly consistent, yet almost wholly unsystematic. They enabled him to fuse to the limit of their valence the most sublime moral precepts and the most concrete empirical facts, details, and situations, so that

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JOHN A. RYCENGA*

*Department of English, Marquette University