

Burke, Natural Rights, and Social Liberty

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INTRODUCTION

Gregory Collin's work *Commerce and Manners in Burke's Political Economy* is an excellent and much-needed analysis of Burke's economic thought, as well as an important overview of the relationship between Burke's economics and his broader moral commitments. In addition to delineating the character of Burke's economic thought, Collins does an admirable job demonstrating that Burke is not merely a defender of a "sluggish hereditary aristocracy" (p. 467), as he is sometimes characterized by both friends and foes, but also a defender of market freedom. From my perspective, Collins' analysis places Burke firmly within the classical liberal pantheon, though still in perhaps a unique location. One area I will explore later is why Collins himself disagrees. But before we get there, let's look at Collins on Burke.

COLLINS ON BURKE AND NATURAL RIGHTS

One area where I think Collins' contribution is particularly important (and where it could even be deepened) is in his treatment of Burke's understanding of rights and the role natural rights play in Burke's understanding of how individuals come to live together in society. Collins, unlike many Burke scholars, sees Burke as a natural rights thinker of a certain kind, grounded in a kind of natural law. Collins correctly finds that Burke's writings on Ireland, the East India Company and the French Revolution share a deep concern with the rights that individuals hold against those in power, wherever that power comes from. What is hinted at in Collins' treatment but that could be put into starker relief is the way in which Burke's defense of traditionally self-interested rights like the rights to labor and property are recast in Burke's writings to become powerfully prosocial rights, providing at least social stability and the foundation for a flourishing civilization. In what follows I will identify the major areas where I think Collins' analysis correctly identifies the centrality of natural rights for Burke's thought and I will end with a few quibbles about how we classify Burke and why it matters.

BURKE ON RIGHTS AND EMPIRE

Two areas where Burke's treatment of natural rights is most clear are his writings on Ireland and the East India Company. In both the Irish and Indian cases, an understanding of Burke as a natural rights thinker deepens our appreciation of his political thought as not merely protecting British imperial interests or market transactions them-

selves, but as rooted in a moral tradition that sees the protecting of rights as a universal mandate that can limit imperial claims or parochial claims of self-interest. Without understanding Burke as a natural rights thinker, understanding his treatment of the claims of the Irish and the East India Company might seem at odds with his defense of the French monarchy and aristocracy. That which links both together is an understanding of how rights interact with and protect the communities in which real people live.

In the Irish case, Collins presents Burke's writings in the Two Letters as perhaps the clearest example of his natural rights thinking. Collins also beautifully highlights the way Burke sees theory and practice, morality and policy, working closely together. As Collins notes, “[Burke] intimates that the preservation of natural rights was the spring for commercial productivity and economic growth; that these rights should not be circumscribed; and that the exercise of natural rights trended toward equality. (Burke does not specify which type of equality, whether it be economic, social or political)” (p. 323). For Burke, natural rights are defensible not only on moral grounds, but also on practical and community-oriented grounds, arguing that rights protect individuals while creating the conditions for flourishing communities.

Unlike Locke and other social contract theorists, Burke's natural rights stem not from a discrete contract but from emergent human needs, needs that interacts with their social and political environment in complex ways. Burke's defense of the Irish is consistent with this view. He appeals, not to a contract, but, according to Collins, to a “form of natural rights reasoning: the individual has a least some right to produce, and he has the right to consume the rewards of his toil” (p. 324). But as always with Burke, individual rights, in order to be natural in the way Burke thinks about them, must be consistent with community flourishing. In this way Burke makes a practical appeal to the English—that protecting Irish rights will result in greater commercial benefits and economic growth—as he defends the foundational moral rights to labor and property themselves.

Similar arguments characterize Burke's defense of the Indians against the East India Company, but this time he is arguing against an abusive corporate monopoly rather than state imperialism (though the two are obviously linked in this case). For Burke, the power wielded by the East India Company is so close to state power, due to its protected monopoly status and state-like accoutrements of armies and police, that it creates the same threats to individual rights as state power does, perhaps even more so since it is even less accountable than a traditional state. Burke attacks the East India Company on both legal-contractual and moral grounds, arguing that not only did the East India Company violate the terms of its charter but it also violated its duties to the Indian people as human beings.

As part of this discussion, Burke emphasizes that the East India Company itself was a charter based on a broader end, that which ensured not just profits for the crown but also -- while not explicit in the charter itself, perhaps, but implied by the nature of the duties we owe other human beings—beneficialness for the Indian population. Thus the corruption of the East India company was criminal not merely because it violated the expectations of the charter for honest dealings, but also because it violated the rights of the Indian people themselves in profound ways. Collins quotes a contemporary description of Burke's position here: “... ‘there was but one side to look at, the question for our consideration was simply this, whether or not we should suffer [i.e., accord] a country to enjoy that to which she had a natural right...’” (p. 328). As part of his defense of Fox's India Bill, Burke sets out to understand the nature of a charter itself. As Collins notes, the opposition to Fox's India Bill argued that the bill was a violation of the chartered rights of the company, those rights granted by the crown and, presumably, irrevocable except by the Crown itself. Under this kind of social construction of rights, all that matters is the legal question of whether there is a legal right to the thing itself. Under a nominalist legal regime, as long as a legal authority granted the charter, the charter is valid.

Burke takes a different approach, one consistent with his broader natural rights commitments, but rooted as always in his prudential consideration of the needs of the time, place, and polity. The East India Company was qualitatively different than the limited commercial charters in other areas. As Burke notes, the charter of the East India Company “began in commerce and ended in empire” (Hoffman and Levack, p. 235). It was a peculiarly comprehensive charter, and one that, because of its comprehensive nature, requires

closer attention. As Burke notes, the East India Company is a positive charter for a monopoly granted by a sovereign power. It differs in both legitimacy, form, and content from the negative charter of, for example, the Magna Carta, which is a charter that emerges from the way in which humans naturally defend their rights. Different kinds of charters, differing in principles. Burke objects to the East India Company's monopoly not only because it is bad business practice but because in practice it has violated foundational principles, in this case, rights: "Magna Charta is a charter to restrain power and destroy monopoly. The East India charter is a charter to establish monopoly and to create power. Political power and commercial monopoly are not the rights of men; and the rights to them derived from charters it is fallacious and sophistical to call 'the chartered rights of men'" (Hoffman and Levack, p. 256).

In his defense of the Indians and his rejection of the claims of chartered rights made by the East India Company and its shareholders, Burke responds:

The rights of *men*—that is to say, the natural rights of mankind—are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicanery, against power and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself which secures an object of such importance (Hoffman and Levack, p. 255).

For Burke, an economic charter is much like a political charter, namely, it is created not only for the private gain of those in power, but for the broader public good and, crucially, to protect the rights of those whom the monopoly on power rules over. In this way, Burke grants the legal charter of the East India Company, but argues that "granting all this, they must grant to me, in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit" (Hoffman and Levack, p. 257). Rights confer duties, and in Burke's eyes the rights granted to the East India Company by the Crown are void precisely because they did not fulfill their corresponding duties to the Indian people, duties predicated upon the humanity of the Indians themselves.

These two kinds of charters are, in effect, mirror images of one another. The Magna Carta restrains the power of the crown and restores the balance toward individual liberty, while the East India Company tilts that balance back toward monopoly and coercion. As Collins notes, "[f]or Burke, however, Fox's bill did not threaten these real chartered rights of men because the charter of the East India Company was formed on diametric principles. Magna Carta was a document limiting the power of the king and the concentration of political authority, while the purpose of the Company charter was to grant the firm institutional privileges" (pp. 377-378). Collins points out that it is never Burke's contention that all monopolies are illegitimate. Monopoly may very well be legitimate if it is a reward for risky investments that may not be done at all without a promise of exclusivity. At the same time, reward for risk is not the only or even the primary foundation for monopoly. The monopoly must do something else to justify its existence.

As Burke notes, "[t]hese chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large, and in their very frame and constitution are liable to fall into a direct violation of them" (Hoffman and Levack, p. 256). Thus, despite the practical efficacy of such monopoly granting charters, one must always be aware of the potential for abuse and their effects on the humans under them. As Collins notes, "[e]ven though Burke acknowledges that the East India Company charter did not express the real natural rights of man, he avows that the firm did possess the authority to exercise their political and trading privileges" (p. 378). This view is consistent with Burke's emphasis on prescription as a way to meld the practical exigencies of human social life with the moral rights and duties that that social life sacralizes. Collins too notes the connection to prescrip-

tion, arguing “Burke’s reasoning merges with his defense of prescription in his broader political philosophy, one that consecrated long-lasting bodies because of the authority of time and the utility of their existence” (p. 378). Moreover, the practical benefits of such monopolies do not undermine their moral obligations. In fact, they strengthen them. As Collins notes, “Privilege is a gift, not a right. And because privilege is a gift, there prevails an even greater moral imperative to exercise it with exceeding care and caution” (pp. 379-380). Precisely because of the danger that commercial monopolies like that granted to the East India Company pose to individual rights, they must be held to a higher standard than that we expect from individual merchants or traders whose professionalism requires little more than the self-regenerating virtues of honesty and prudence.

At the same time, while privilege is a gift and not a right, rights themselves are not unlimited. Collins argues, “Burke did not hold natural rights to be inviolable. He hints that the limitation on natural rights might be justified if the action that curbed them—in this case, the Company charter—engendered some reward to those subjects whose rights were constrained” (pp. 378-9). As Collins makes clear, the benefit must not only benefit those who retain the privilege but also those whose rights *are* constrained, in some way shape or form. As in the natural rights tradition broadly, the justification for a monopoly on power of any kind for Burke is that individuals willingly entrust their rights to such a monopoly so that they might be better protected. Even failing this most basic protection, an empire might justify its existence (though not its monopoly) on basic materialist grounds, as a kind of consolation prize for the violations it engenders. This might take the form of commercial profit, or it might take the form of the permanent institutions of greatness, the infrastructure of legitimate empire, that repays the harvesting of natural resources with the benefits of civilization. Even on this bare materialist grounding, Burke argues, the East India Company has failed the Indian people. He notes,

Every rupee of profit made by an Englishman is lost forever to India. With us are no retributory superstitions by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride has produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals, no palaces no schools; England has built no bridges, made no high-roads, cut no navigations, dug out no reservoirs (Hoffman and Levack, p. 263).

Thus on all the grounds that might justify political power, the East India Company fails. And of course, on narrower grounds it also fails as a legitimate commercial endeavor, at least on Burkean grounds, given the corruption and violence it supports.

Here Burke explicitly refers to the broader theory of compact, though as usual he emphasizes the importance of the duties that accompany our rights under any contract or charter: “I ground myself, therefore, on this principle: that if the abuse is proved, the contract is broken, and we re-enter into all our rights; that is, into the exercise of all our duties” (Hoffman and Levack, p. 257). Because the East India Company has violated not only the legal but the moral foundations of its charter, the charter itself is null and therefore any reform is not a violation of the rights of charter but merely individuals stepping back into rights they had placed in trust to the company. But even in the face of the moral and practical abuses, Burke’s reformation spirit remains hesitant and perhaps even slow.

Rather than simply declaring the contract void, Burke displays his usual respect for institutions of long standing and develops a careful procedure by which such a contract can be judged. Burke provides a four-fold way of determining whether the contract is broken, relying not on public opinion or the harsh mob rule of, say, the French revolutionaries but instead by insisting on maintaining as much as possible the delicate balance between stable institutions and the protection of rights, itself a reciprocal relationship. Even in the face of rights abuses, Burke argues that drastic changes to the charter require that the abuses be “great and important” in their object, that the abuse itself be “great”, that it be “habitual and not accidental,” and that it should be “utterly incurable in the body as it now stands constituted” (Hoffman and Levack, 1949, p.

259). When calling for drastic reform on the basis of egregious violations of natural rights, Burke requires that the reformer show that no viable alternative exists of a less drastic nature. In the end though, there is no legitimate charter without trust and a very specific end (rights): “Charters are kept when their purposes are maintained; they are violated when the privilege is supported against its end and its object” (Hoffman and Levack, 1949, p. 273). Burke marshals all his moral indignation to emphasize the way in which the East India Company has not only violated its legal charter through imprudence, mismanagement and corruption, but that it has violated the more foundational moral grounding of its charter via rights violations and injustice to the Indian people themselves. As Collins notes throughout, Burke’s judgment of the legitimacy or illegitimacy of commerce is always grounded in a moral foundation, with rights at the core of that foundation.

RIGHTS AND THE FRENCH REVOLUTION

Where many commenters have argued Burke’s work shifts is in his seemingly sudden departure from a defender of natural rights of the Irish and Indians and into a harsh critic of the abstract rights claimed by the French revolutionaries. Collins, correctly, sees Burke’s shift not as a change in belief but instead as a rhetorical shift that results merely from the practical reality that the danger to individual rights is now coming from another direction. Collins’ discussion of Burke’s take on rights focuses on the way Burke sees rights and duties intertwined and the way abstract rights undermine real rights or the way in which rights are actually protected in civil societies, pointing out that “the drive for perfect equality through schemes of wealth redistribution compromises the very social order that allows civil society to endure and flourish in the first place” (p. 465). In particular, the very appeal to abstract and extreme notions of particular kinds of rights serves to undermine others, particularly those like labor and property that are foundational for individual and societal flourishing.

Part of Burke’s criticism of the French is the sheer abruptness of their calls for reform. Collins emphasizes Burke’s belief in the importance of allowing norms to grow and emerge as part of a general evolutionary process and he links that to economic prosperity: “the slowly accreted social, legal, and constitutional insights and practices generated by the many over time—the ‘general bank and capital of nations, and of ages’—reflected a reservoir of wisdom that had occasioned prosperity for Britain for generations” (p. 482). While Collins continues, arguing that, “[a]bstract theory was no match for the gradual expansion of economic wisdom throughout the ages” (*Ibid.*), it is worth emphasizing that this economic, social, legal, and constitutional wisdom is always for Burke animated by the reality of moral principles—rights—that are ours by virtue of being human. Rights are not merely claims to unimpeded action, but they also prescribe duties toward others, creating a foundation for a cooperative community.

One area that Collins’ analysis is particularly important is the emphasis he places on Burke’s rejection of a transactional model for society broadly. Burke’s criticism clearly rejects some of the more libertarian theories of society as merely a transaction or simple contract between individual and society, instead emphasizing the complexity of human social life and the importance of attachment and feeling. Collins notes Burke’s criticism of the view that society is merely contractual or transactional, arguing that “Burke’s argument, distilled to its essence, is that the substitution of temporary contracts in place of pre-commercial ethics as a primary driver of social relations provokes the uninhibited expansion of the state and the rise of engineers of the soul” (p. 497). In place of a transactional contract, Burke rejects the individual-state social contract altogether, focusing on one in which generations of community members contract together. Collins here quotes Burkes’ famous characterization of the “great primeval contract”, where “[e]ach contract of each particular state is but a clause in the great primaevaeal contract of eternal society” (p. 509). It is therefore a contract not just between an individual and a ruler, but between the past, present, and future, and between the web of interconnected and interdependent individuals who rely on a stable social and economic framework for their survival.

Burke's recasting of traditional social contract theory into an intergenerational compact signals his unique position as a kind of natural rights thinker, one for whom market transactions are softened by traditional affections, where the social contract is not one between ruler and ruled but one which extends throughout society, and where markets were "provinces of social interaction and part of a wider ethical and religious order; they were not mere mediums for the maximization of personal autonomy and material wealth" (p. 522). Rights, like markets, exist to protect individuals and the communities they inhabit, by preserving voluntary interactions, producing prosperity, and supporting both rights and their corresponding duties in a complex web that extends across time and space, bound together by eternal law.

If I were to quibble with one minor area of Collins' discussion here it is that while Collins emphasizes the importance of property and, in particular, Burke's criticism of the revolutionary confiscation of church property, Burke continues to defend other kinds of rights in these writings as well. His is not a merely conservative defense of the rights of the status quo. As perhaps one of the best examples, Burke claims at one point, "Far am I from denying in theory; full as far is my heart from withholding in practice, (if I were of power to give or to withhold), the real rights of men. In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy" (Burke 1790, p. 150). The real rights of men are, of course, those of men in society, but it would be wrong to read this merely as civil social rights or as social constructs of a particular legal and moral order.

Instead, Burke believes that the natural rights that exist must be filtered through the medium of society, through the affections, traditions, and manners of the people, before they become compatible with both individual and community safety. As Collins himself notes, "natural rights and property rights were rooted in nature, and acquired greater authority through time as expressed in prescriptive titles, formal agreements, and statutory acts. For Burke, natural rights most likely did indeed exist, but their realization could best be manifested and fortified in a community that protected them through a long train of institutional and historical processes" (p. 377). One of Burke's primary criticisms of the French is that they apply abstract rights directly to society in a way that results in the violations of rights, in the same way that the injudicious application of an acid to water can result in an explosion. Rights are a fundamental part of society; they cannot merely be slapped on top. Burke is clear on this too, arguing, "Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection: but their abstract perfection is their practical defect. By having a right to every thing they want every thing" (Burke 1790, p. 151). Indeed, Collins' hedge that natural rights "most likely did indeed exist" for Burke is countered by Burke's own claim that such rights "do indeed exist," but that they must be applied carefully and judiciously to avoid upsetting the careful social web in which they exist.

Burke continues this theme of emphasizing the reality of rights at the same time that he criticizes the French application of them, pointing out that "[t]he pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned" (Burke 1790, p. 154). But notice, Burke is careful to avoid the claim that rights don't exist at all, merely making the more prudential claim that "[t]hese metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their straight line. Indeed in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their original direction" (Burke 1790, p. 153). Thus the real rights of men are still natural rights, but filtered through a social medium. They are protected by protecting individuals, the communities to which those individuals belong, and the grown traditions, norms, and mores on which those communities rely.

Here, for Burke, one of the important social media is an affectionate attachment to the polity, a good that revolutionary thought intentionally undermines. As Burke notes, "prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence" (Burke 1790, p. 76). The rights that exist by virtue of human reason must nevertheless be filtered through social media of attach-

ment to make them safe for human life.¹ Thus, it is not accurate to say merely that Burke criticizes the natural rights of the French full stop, but instead to point out that Burke characterizes himself as a natural rights thinker of a peculiar sort; one who sees rights emerging safely when intermixed with the social and affectionate life of humans within a community. Applying the abstract rights of individuals to society without such media is indeed irrational precisely because humans are not found in isolation in nature. They live and flourish in communities bonded together by sentiment and attachment. Thus Burke's understanding of rights sees that only to the extent that they are intermixed with the ingredients that make that society possible in the first place will the rights engender the overall progress of society.

None of this undermines the reality of these rights, nor the universality of that reality. Burke claims liberty not solely as the inheritance of British citizens in a unique historical context, but as "the birthright of our species. We cannot forfeit our right to it but by what forfeits our title to the privileges of our kind" (Hoffman and Levack, pp. 278-9). As Collins notes about the Irish issue in *Two Letters*: "[Burke's] summoning of nature suggested a recognition of the common humanity between England and Ireland that existed beyond the reach of a particular political or economic tradition, such as English mercantilism" (p. 325). This universalism may surprise some who have been used to hearing the way in which Burke's rights talk is often linked to the idiosyncrasies of the British constitution and linked, as it often is, to the "prejudice" of a citizen's love of his own way of life. But such a view ignores the way in which Burke's belief in liberty is a foundational moral grounding that applies to humans everywhere and always. Such liberty must, however, be understood within the particular cultural and developmental model of the community in which it is applied.

This universalism is even clearer when Burke summarizes the rights that he hopes the French will protect:

When, therefore, I shall learn that, in France, the citizen, by whatever description he is qualified, is in a perfect state of legal security with regard to his life, to his property, to the uncontrolled disposal of his person, to the free use of his industry and his faculties: when I hear that he is protected in the beneficial enjoyment of the estates to which, by the course of settled law, he was born, or is provided with a fair compensation for him.... [...] when I am assured that a simple citizen may decently express his sentiments upon public affairs... I shall be as well pleased as everyone must be who has not forgot the general communion of mankind, nor lost his natural sympathy, in local and accidental connections (Hoffman and Levack, p. 280).

These are the rights of "social liberty", as Burke characterizes it, but they are not, therefore, social constructs. They are instead the rights that every human has by virtue of his or her membership in the human race, a membership which requires social living as one constituent of the goal of flourishing.

This understanding of liberty as both social and universal, and as linked to the natural rights all humans share but which must be filtered through particular social contexts, is particularly important, since what Burke says about abstract rights in the French case might seem to contradict things he says about the East India Company and the colonies generally. One way to resolve these contrarieties is to see Burke as a natural rights thinker, concerned with a moral foundation due to all humanity on the one hand, but as a statesman also concerned with the peace and prosperity of his own particular world on the other.

Burke's rhetorical shift during the French Revolution is less a rejection of natural rights and more the adjustment of the prudential statesman who realizes that the danger is coming from another direction. While in the Irish and East India case, individual rights were being challenged and even destroyed by an imperial government, in the French case the benefits of society itself were being torn down in the name of abstract rights. As Collins notes, "[t]he existential danger of the French Revolution, and of the new Whigs' attraction to the Revolution, derived from Frances' attempt to apply the principles of temporary contracts to society at large, such as the transformation of marriage from a religious covenant to a civil contract" (p.

505). As the direction of the danger to individual rights and societal flourishing changes, Burke's emphasis must change too, from defending natural rights against state oppression to instead defending the institutions of civil society (and the rights those institutions protect) against revolutionary chaos. Burke positions himself on the side of the community not because he believes natural rights are now wrong or because communities take precedence over individuals but because he believes healthy communities are vital to the protection of those individuals and their rights.

BURKE AS CLASSICAL LIBERAL OR CONSERVATIVE

Collins and I perhaps part ways slightly when looking at Burke's overall legacy and his position within the classical liberal world. Collins asks an odd question toward the end of his chapter on rights. He asks, "how was Burke able to defend a conception of tradition and custom in the *Reflections* while also praising a relatively novel phenomenon—market liberty—in *Thoughts and Details* and in his other writings and speeches, including the *Reflections* itself? Was Burke a secular classical liberal in disguise?" (p. 521). It's an odd phrasing by a usually careful author and deserves a closer look. In the most obvious sense, Collins is seemingly equating classical liberal thought with secularism—in the sense of the "secular" personal not being a theist—which is both confusing and requires defense, at the very least. There is, for example, a debate over whether Locke himself was in fact religious and in what way his religion impacted his thinking. Even more, Locke himself is not really a classical liberal at all but in fact an early-modern liberal, whose work then became the basis for the classical liberal thought that comes later. While these are somewhat minor points, in this section in particular Collins so narrowly restricts the definition of classical liberal (secular, transactional, rigidly individualist) that Burke's own nuanced community-focused view indeed struggles to fit. As Collins concludes, "If we located Burke's economic thought in a broader intellectual context, moreover, we find that his belief in exchange economies was not driven by *the premise that individuals emerged out of an abstract state of nature and assented to a voluntary contract* to secure their pre-civil right to private liberty, *a core premise of classical liberalism and libertarianism*" (p. 522, italics added).

Of course, there are other classical liberal thinkers, like Adam Smith, whose work shares in common much with Burke and who Collins mentions in a footnote on the same page but without further elucidation. If Burke isn't a classical liberal on the definition Collins provides it is not clear how Smith is one either. It's simply not clear why Collins equates classical liberalism with Lockeanism and then ignores Smith and the other classical liberals who, like Burke, fail to fit the Lockean mode in similar ways. It is also worth noting, as Collins admits, that Burke's positions were in fact quite liberal within his time (pp. 531-532), including his attacks on the East India Company, and, on the other side, that the Burkean respect for and admiration of locally-grown traditions and prejudices continued well into 20th century classical liberal thought, most clearly in the works of Friedrich Hayek, who called Burke "the great seer" (1982, I: p. 22). Hayek, in fact, bemoans the state of the term "liberal" and wishes in fact to redeploy the phrase "Old Whig" in honor of Burke's thought and the tradition from which he comes, but realizes the unlikelihood of such a phrase taking off. Hayek too, crucially, believed it important to live in "two worlds at once", where the transactional nature of the market is separated clearly from the affectionate bonds of family, neighbors, and friends. There is a clear and accepted lineage from the classical liberalism of Burke's thought to that of Hayek and other classical liberals.

While all this might seem to be nitpicking, it matters precisely because so much of Burke scholarship has ignored the ways in which Burke's writings so clearly and profoundly defended the rights of individuals, and particularly those of vulnerable individuals like the Irish and English, against the power of the state. On this standard view of Burke's thought, many scholars underestimate the universality of Burke's claims of right, insisting on a narrow, parochial view of Burke as a defender of British rights, rather than rights broadly. Collins moves explicitly in this direction when he claims that "Burke's life, however, displayed a greater effort to defend the imperatives of commercial liberty in a traditional, historically informed Anglo-American framework, not in conformity to the speculative theorists of the Physiocrats or the contractarian

notions of civil society championed by English radicals" (p. 522). And yet, such a summary ignores Burke's vigorous defense of the rights of the Indians and the rights of the Irish. By hedging in this final chapter, Collins undermines the very power of Burke's defense of a universal morality that he has defended so beautifully in the rest of the book. It is an odd turn and one that ultimately remains under-defended.

It's also not clear this move is necessary at all. Whether Burke is to be rightly claimed by conservatives or classical liberals or both matters much less than his overall legacy as a particularly nuanced thinker whose work has much to teach us. As Collins notes, "The distinctive aspect of Burke's economic thought, however, was its attempt to blend liberal commercial principles with the distilled wisdom of Europe's past prior to the advent of mass markets" (p. 533). He continues to clarify Burke's vision of a harmony between markets and virtue, a vision that reconciles "market vibrancy with the pre-commercial pillars of religious instructions, social affection, and aristocratic moderation" (*Ibid.*). There is much to criticize about unquestioning support for markets and corporate power, especially when those markets operate on the basis of cronyism and corruption and when such cronyism undermines the local and voluntary interactions of neighbors and friends in communities across the globe. Burke continues to provide a worthy way within the liberal tradition, one characterized by deep belief in moral universals alongside profound respect for the lived experiences of people in their particular communities enmeshed in their own peculiar ways of life.

CONCLUSION

My discussion here is meant as a friendly amendment to Collins' otherwise excellent work. Ultimately, Collins's discussion of natural rights and the broader moral foundation of Burke's economics is a masterful and most welcome addition to Burke scholarship broadly. As Collins implies throughout his work, the problem is not that we cannot understand Burke's economic thought without natural rights, but that we lose much of the force and much of the principle of his arguments when we fail to connect his arguments to his deeper moral commitments. His defense of property, the rights and duties of the workers, traders, and employers, and even his criticism of the way the French misused the language of rights to justify their violations points to the reality that Burke is himself primarily and fundamentally concerned with the protection of natural rights, rather than using them as rhetorical flourishes to arguments on practical affairs. As Collins powerfully argues, "...oppressed Indians—just like struggling Irishmen, and enslaved Africans, and industrious Americans, and enterprising individuals of all stripes—possessed just as much of a right to labor and deal and earn a profit as affluent Englishmen" (p. 400). Understanding the centrality of rights to Burke's overall economic theory can also help us better understand his place, often misunderstood, within the classical liberal pantheon (Collins' later claims notwithstanding). It can also help reassert the fundamental importance of economic rights, now much maligned in contemporary thought, to theories of rights broadly, and to place those rights firmly on a prosocial foundation. A better understanding of Burke's economic thought helps us all clarify why economic rights in particular are at the core of the classical liberal and conservative worldviews and how Burke might fit into both.

NOTES

1 I have made this point at more length elsewhere (Hall 2011).

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