

## CHAPTER EIGHT

### THE CONSERVATIVE COUNTER-REVOLUTION OF 1776

JUST as popular and just as fallacious as the belief that the Enlightenment fathered nineteenth-century freedom is the belief that the American Revolution was based on the same principles as the French Revolution, and that it was actually its forerunner. Every history book in the United States or in Europe says so; and not a few of the chief actors both in the American and French Revolutions shared the belief. Yet it is a complete distortion of all facts.

The American Revolution was based on principles completely contrary to those of the Enlightenment and the French Revolution. In intention and effect it was a successful counter-movement against the very rationalist despotism of the Enlightenment which provided the political foundation for the French Revolution. Though the French Revolution happened later in time, it had politically and philosophically been anticipated by the American Revolution. The conservatives of 1776 and 1787 fought and overcame the spirit of the French Revolution so that the American development actually represents a more advanced stage in history than the *Etats Généraux*, the Terror, and Napoleon. Far from being a revolt against the old tyranny of feudalism, the American Revolution was a conservative counter-revolution in the name of freedom against the new tyranny of rationalist liberalism and Enlightened Despotism.

The liberal totalitarianism of the Enlightenment and the revolutionary totalitarianism of the French Revolution could only destroy the *ancien régime*. At best they might have been able to put in the place of the old, hopelessly collapsed, pre-mercantile society a functioning but despotic mercantile society. Even that is most doubtful as Robespierre's Permanent Revolution or Napoleon's Permanent

War was hardly more successful as a basis of a functioning society than Hitler's creed. But the American Revolution succeeded in building not only a functioning, but a free, society.

Even after their defeat by the forces of the conservative American counter-revolution, the principles of the French Revolution—the ideas of 1789—have continued to make for tyranny. They have provided the modes of thought and mentality for every subsequent totalitarian philosophy. The freedom of the Western world during the nineteenth century and up to this day has been based upon the ideas, principles, and institutions of the American conservative counter-revolution of 1776.

The common fallacy regarding the nature and efforts of the American Revolution has been greatly aided by the conventional departmentalization of historical writing which has erected almost watertight bulkheads between American and European history. The American Revolution is thus treated as an event of exclusive or primary American importance. Its motives, issues, and effects are seen as confined to the American Continent. The function and place of the Revolution of 1776 and of the Constitution of 1787 in the general development of the Western world have hardly received serious attention. This is a falsification not only of European history but of American history too.

Actually, the American Revolution was as much a European as an American event. It may even be said to have been more important as a European than as an American development—if the importance of historical events is to be measured by the extent to which they introduce new, and unexpected factors. The Thirteen Colonies would sooner or later have become independent as one nation in the normal course of events. The best minds in England—especially Burke—fully realized that the Colonists had outgrown the old dependence. The American Revolution was only the concrete point at which the

foreseeable and foreseen event of independence took place. Though in actual form it was as unique as any historical happening, the Revolution was a natural and logical development. If the conflict over England's colonial policy had not precipitated the issue, something else would have done it—at the latest, one might guess, the physical unification of the country through the railroads.

Full self-government had become a foregone conclusion as soon as England had given the Colonists military self-government with their own troops under native commanders. The French and Indian War probably made eventual independence almost inevitable; and that war should rightly be regarded as fully as important in the history of American nationhood as the Declaration of Independence itself. There is a straight line from George Washington, the militia officer with his independent command in the French and Indian War, to George Washington, the Commander-in-Chief of the forces of the United States.

But as a European event the American Revolution was not foreseeable and foreseen. It reversed—first in England and then in the rest of Europe—a trend which had appeared to be inevitable, natural, and unchangeable. It defeated the rationalist liberals and their pupils, the Enlightened Despots, who had seemingly been irresistible and within an inch of complete and final victory. The American Revolution brought victory and power to a group which in Europe had been almost completely defeated and which was apparently dying out rapidly: the anticentralist, anti-totalitarian conservatives with their hostility to absolute and centralized government and their distrust of any ruler claiming perfection. It saved the autonomous common law from submersion under perfect law codes; and it re-established independent law courts. Above all, it re-asserted the belief in the imperfection of man as the basis of freedom.

Had America not revolted against Enlightened Despot-

ism there would hardly have been any freedom in the Europe of the nineteenth century. And the same would have been true if she had gone down before the armies of a rationalist and centralizing English king. There would hardly have been any effective English resistance against the French Revolution, and probably no national determination to fight it out with the aggressive totalitarianism of Napoleon. Above all, the justly celebrated English Constitution would not have survived to become for nineteenth-century Europe the symbol of freedom and of successful resistance against absolute tyranny.

That the thinly populated and remote American Colonies became independent was in itself of no great importance to the Western world of the late eighteenth and early nineteenth centuries. But in its effects upon Europe—as the defeat of the Enlightenment in the person of George III, as the basis for the emergence in England of the unenlightened but free conservatism of Burke against all apparent ratio, predictability, or probability—the American Revolution was the decisive historical event of the nineteenth century. It was the fountain-head and origin of the free mercantile society of the nineteenth century.

To avoid misunderstanding: It is not asserted here that Burke obtained his ideas or thoughts by reading the *Federalist* papers or from listening to Dr. Franklin—just as Jefferson, Madison, or Hamilton did not obtain their ideas from Burke or Blackstone. They probably thought quite independently of each other though their thoughts had common roots. It is even quite immaterial whether the American political thinkers of the Revolution knew Burke's speeches or whether he knew their essays. The one fact that matters is that the success of the American Revolution defeated the King of England and with it the entire Enlightenment. Without it Burke and the conservative counter-revolution could not have come to power.

Burke's ideas as well as those of the Founding Fathers

were old ideas, common to all English and European tradition. There were many statesmen and writers on the Continent who shared them. But the American Revolution translated them into political action. It found institutions to realize them. It converted metaphysical reflections into concrete, responsible decisions.

The nineteenth century forgot not only that it owed its freedom to the principles of the American counter-revolution; it forgot that freedom has anything to do with basic principles. Increasingly its political discussion became confined to incidentals and details. Up to the last war—and even beyond it—there was a growing tendency to identify freedom and free society with refinements in technique. If anybody were to deduce the development of Western society from 1776 to 1930 solely by reading its political literature, he would inevitably conclude that freedom and society had been overtaken by a tremendous catastrophe—a sudden collapse into pre-Aristotelian barbarism. The descent from the political wisdom, knowledge and profundity of the generation of Burke, Rousseau, Jefferson, Hamilton, Madison, Herder, etc., to the mediocrity, shallowness, and ignorance of the political writers and thinkers of late Victorianism is so complete, so stunning, and so sudden as to be almost without parallel in the history of political thought. The distance from Madison to General Grant, Mark Hanna, and William Jennings Bryan, from Burke to Gladstone or to Joseph Chamberlain, from Herder to Treitschke or to the German *Socialdemocraten* of 1890, is almost too great to be measured.

This decline of the level of political thought is perhaps the greatest testimony to the work of the Founding Fathers; for the explanation of the collapse is that the generation of 1776 had built so well that their sons and grandsons could afford to forget the foundations and to concentrate on the interior decoration of the house they had inherited. It is only today that we must again think of first principles.

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It is not a new assertion that the basis for all nineteenth-century freedom lay in the conservative movement which overcame the French Revolution. Nor is it a new discovery that, as far as Europe is concerned, this conservative movement was located in England. Before 1850 it was a commonplace of European political thought that England had found "the way out"—just as it became a commonplace later on to trace all nineteenth-century freedom to the French Revolution. But how did England overcome the French Revolution? What enabled her to withstand it and, at the same time, to develop without civil war and social collapse a free, mercantile society as alternative to the despotism of the French Revolution and of Napoleon? The stock answers to these questions attribute the English achievement to the British racial genius, the English Channel, or the English Constitution. But none of the three is an adequate answer.

Of the traditional answers we can most easily dismiss the racial-genius explanation. To attribute a historical development to the racial genius or the national character of a people is simply saying that we do not know the cause. There is such a thing as race and national character, but it explains nothing, if only because it cannot be defined and cannot be assumed to be incapable of change. Whether Neville Chamberlain or Winston Churchill more closely expresses the British national character is not only a moot, it is a silly question. Was Cromwell's totalitarian despotism more or less English than the wisdom and moderation of the settlement of 1688? Does the superstitious blasphemy of Henry VIII or the lucid piety of Thomas More characterize the Englishman? All of these men and events are very English and show traits, feelings, attitudes which are as alive today as they ever were. But what is English is the temper and temperament, not the principles, actions, or decisions. To say that it is typical for the Englishman to fight best with his back to the wall may be a true statement of national character; it is in any event a meaningful one.

To say that representative government or free trade are in keeping with the English—or anybody else's—character is gibberish. And to say that the English are "naturally" opposed to revolution, because they "naturally" are law-abiding or because they "naturally" believe in gradual change, flies in the face of all historical fact. Prior to the French Revolution no other European country had as sanguinary, as revolutionary, as tumultuous a history as England.

There is more truth in the mechanistic explanation according to which the twenty miles of the Channel preserved England from the revolution. They certainly prevented England's defeat by the French armies and thus created the factual basis without which England's achievement would have been impossible. They were a condition of England's success—just as they have been a condition of England's political position since Cæsar. But they did not create the new institutions of a free mercantile society.

The English Constitution too was a condition of the successful free solution without being the solution itself. It is perfectly true that the nineteenth-century freedom rests upon the Settlement of 1688, on the constitutional principles of the Whig party which Locke put into systematic form, on the common law and Chief Justice Coke, and ultimately on the Magna Charta. But these principles were not unique to England; they were common to all of Europe and the result of the constitutional development between the thirteenth and the seventeenth centuries. It is not only Magna Charta which has an exact counterpart in the constitutional history of every major European nation. The English Parliament before 1688 was also not very different from the *Etats Généraux* in France, the *Cortes* of Spain, the *Reichstag* and *Landstände* in Germany. Common law, independent courts, city privileges and all the other traditional bulwarks of English freedom have their exact counterpart on the Continent. The Low Countries, Burgundy, and western and southern Germany were

in 1550 or 1600 actually farther along the road to political freedom and constitutional government than the England of the Tudors with their almost successful attempt to subvert the English Constitution.

If we want to talk about England's unique development, we cannot begin before 1688. Up to the Stuarts the development in England had been parallel to the development of the Continent. Although England escaped the Thirty Years' War which destroyed the free constitution of the old society on the Continent, Cromwell, the Commonwealth, and the Restoration did not bring any new solution and seemed eventually to lead in the same direction which the Continent had found under Richelieu, Mazarin or the Great Elector of Brandenburg-Prussia. The Settlement of 1688, however, was a complete break with the continental trend and a re-establishment of an English Constitution on non-absolutist principles.

What is hardly ever realized today is that eighty years later very little was left of this Constitution and England was apparently about to become an Enlightened Despotism like every other European country. On the eve of the American Revolution, Parliament had practically ceased to function as an organ of government. Royal patronage commanded a permanent majority of the House of Commons. The King and his ministers ruled almost as supremely as the King of France. Administration had been centralized in the hands of the King's cabinet—appointed by him and responsible only to him. Politics was almost synonymous with court intrigues. The common law still stood, but it stood also in France and Germany. And the same forces were at work which on the Continent were about to lead to a rationalist codification within a generation. The great dazzling light of the English political scene in 1776 was not Burke, not Pitt, not Blackstone, not even Adam Smith. It was that most dangerous of all liberal totalitarians, Jeremy Bentham, who had a thousand schemes to enslave the world for its own good. It is no



accident that Bentham expounded his social theories in a plan for a model prison in which one man would at all times be able to see the smallest movement of a thousand prisoners, and to control their most minute actions. And it was Bentham who was "progressive" and "scientific"—not the adherents to the principles of 1638 with their apparently outmoded ideas of compromise and divided powers.

If this sounds like an exaggeration, attention should be given to the weakness of the forces opposing absolutism in England. We know how few "Old Whigs" there were in England a decade after the Enlightenment, in the person of George III, had been defeated by the American Colonists at Saratoga and Yorktown. At the beginning of the French Revolution, Burke stood virtually alone between the pro-Jacobins and the King's party which wanted a royal absolutism. Ten years earlier there had been even less strength in the conservative faction which was equally opposed to royal and demagogic tyrants. There were Burke, still a young, hardly known politician; the elder Pitt, out of power and favour; Blackstone, a teacher of the common law. Otherwise there were only reactionaries or liberal totalitarians—both equally opposed to the English Constitution and the English freedom. Without the American Revolution, Burke would hardly have achieved more than Herder and Moeser in Germany who, at the same time and with the same ideas, failed to find a conservative free society for Germany. Or he might have gone under like Fénelon who, fifty years earlier, had tried to prevent royal tyranny in France in the name of the old Christian freedom.

The American Revolution was the event which marked the turning of the absolutist and rationalist tide. Prior to 1776 English society, the society of 1638, had been disintegrating rapidly. The society which Hogarth drew, Lawrence Steine described, Swift and Dr. Johnson castigated, was not a healthy and hardly a functioning society.

True, there were no serfs in England as there were on the Continent. But there was an army of dispossessed: victims of the Enclosures, victims of early industrialization, victims of rack-renting and of urban poverty. Nowhere on the Continent was there anything comparable to the misery and squalor of the London slums with their Gin Alleys, or to the horror of child labour in Manchester. Indeed, one of England's most popular economic and political writers of the time, Arthur Young, was convinced—probably rightly—that the French peasant with all his feudal burdens was much better off than the English small-holder or landless labourer.

The picture we have of England around 1770 is one of stark corruption with an unpopular dynasty gobbling up power through bribes and patronage, a mercenary nobility willing, even eager, to be bought, a hostile middle class and a sullen almost desperate peasantry. It was easy, perhaps deceptively easy, for the historian a hundred years later to see in this society the germs of England's strong and free nineteenth century. But the contemporaries saw only a choice between revolutionary catastrophe and royal enlightened absolutism.

It can never be proved whether George III and his advisers welcomed the conflict with the Thirteen Colonies as the apparently easiest way to impose Enlightened Despotism upon England. Burke apparently thought so. But judging by ordinary political standards it is highly unlikely that they had so deep and premeditated a plan. Probably they had no plan at all; stupidity, confusion, greed, lack of judgment, and planlessness are far more common in politics than the conspiracies of supermen and the careful calculations of master-politicians which hardly exist outside of historical novels. And neither George III nor Lord North were supermen or master-politicians.

But if the King and his advisers had deliberately intended to impose Enlightened Despotism on England, they

could not have hit upon a better scheme than to start by imposing it on America. The attack on the freedom and liberties of the Englishmen in the Colonies was bound to be popular at home where the Colonials were both disliked and envied. The legal position of the Thirteen Colonies was sufficiently obscure to lend to the attack on them a specious cloak of legality, and to make their legitimate resistance appear rebellion. They were weak, had never been united, were separated from each other by roadless wastes, by differences in social structure and political beliefs. And once a centralized royal absolutism had been imposed on them, the position of the central government would have become so strong, its resources so enormous, its prestige so great as to make resistance at home practically impossible.

There can be no doubt that the judgment of history is correct, and that both George III and Lord North were just short-sighted and selfish opportunists. Yet the most Machiavellian, most cunning, most perspicacious political genius would not have acted differently in his attempt to impose his tyranny upon the British people. For the establishment of a centralized and absolute royal government over the Thirteen Colonies would have weakened the anti-totalitarian opposition in the British Isles so much that it is hard to see how it could have maintained itself at all. And successful resistance of the Colonists against the foremost military and naval power of the age seemed to be practically impossible and was certainly entirely unexpected.

As it was, the failure of the royal plans defeated absolutism in England. In 1770 everything in England was moving increasingly fast toward Enlightened Despotism. In 1780 the antitotalitarian forces were in the saddle. The King had lost—never to regain the chance for absolute power. And the revolutionary competitors of the King, the Rousseauian totalitarians, who wanted to establish their tyranny, their absolutism, their centralized government in

the place of royal tyranny and royal centralized government had lost out too. Neither the absolutism of the King nor that of the masses survived.

It was not only in America that the consent of the governed<sup>a</sup> was made the basis for the limitation of the power of government. The principle became also victorious in England; the new constitution was actually not just a restoration of the parliamentary principles of 1688. Then the consent of the governed had been little more than an expedient to prevent civil war. The sum of wisdom of the "Trimmers" who had written the Constitution of the Glorious Revolution had been to avoid conflicts and to choose the way of least resistance. In this form, limited government had not only fallen into almost complete disuse in practice. It had also almost been given up in theory; and by 1770 it had come to be considered "unscientific," "contrary to nature," "abhorrent" to philosophy and logic. After the successful resistance of the Colonists it came back into actual power in the persons of Pitt and Burke. And in the new form it rested on a basic principle of freedom.

Every single one of the free institutions of England's nineteenth-century political system actually traces back to the short tenure of office of the "Old Whigs" who came to power because they had opposed the war with the Thirteen Colonies. They introduced ministerial responsibility to Parliament, and the cabinet system. They founded the modern party system and the civil service. And they defined the relationship between Crown and Parliament. The England of 1790 was not a very healthy and certainly not an ideal society. But it had found the basic frame for a new free society. And that frame was the principles of the "Old Whigs" who had been practically destroyed before the American Revolution, and who were not only revived but put into power by the successful resistance of the Colonists.

The decisive impact of the ideas and principles of 1776

shows best in a comparison between England and the Continent of Europe. In England during the nineteenth century both Liberals and Conservatives based themselves on the same principles of a free society. Their conflict was over the limitations of freedom, not over freedom itself. It was the old conflict between "authoritarianism" and "individualism," but not a conflict over the essence or meaning of freedom itself.

The party on the Continent that called itself "Liberal" was rationalist and absolutist; and it was completely opposed to any real freedom. The so-called Conservatives were equally rationalist and absolutist though their rationalism was a reactionary one. The nineteenth-century Continental Liberal was a product of the French Revolution; the Conservative was in reality a survival from the days of Enlightened Despotism. He was the rationalist totalitarian of yesterday.

There was indeed a conservative movement on the Continent of Europe during the nineteenth century which was based on the same ideas which in the Founding Fathers and in Burke had become victorious. The European counterpart was the romantic movement. In its best representatives, especially in the great French political romanticists of 1820, it reached a lucidity and profundity which can stand comparison with the best work of the American writers. The Romantic movement had a tremendous influence upon the arts and sciences; it may be called the father of all comparative and of all biological sciences. But politically it was completely ineffective. It could only project its ideas of freedom backward into the romantic mirage of the Middle Ages. But it could not create a functioning free nineteenth-century society, for it was caught between the rival absolutisms of rationalist radicalism and rationalist reaction.

Whatever freedom the Continent of Europe enjoyed during the nineteenth century was a result of the inability of either of these opposing absolutist creeds to establish

its dictatorship over the other. Freedom was not the accepted basis. It was the accidental by-product of armed truce between two equally strong and equally totalitarian enemies. In England and America freedom was of the essence, and the basis for party conflicts. On the Continent freedom was negative—the absence of party tyranny. It existed only because either side loved the opposition even less than it loved freedom.

The history of any major Continental country proves this thesis; but that of France is most illustrative because most spectacular. It is usually forgotten by those who cannot understand the France of Vichy that, for more than a hundred years after 1789, France was the most unstable country in Europe and always either preparing for, or recovering from, a revolution in which one absolutist faction tried to suppress the other and to establish its own tyranny. Only between these revolutions or near-revolutions when either side was exhausted, or when forces were equally matched, was there not only peace but freedom in France. Two of these upheavals were violent: that of 1848 and the sanguinary Commune of 1870. Four more brought civil war uncomfortably close: the *coup d'état* of Napoleon III, the abortive plot of Marshal MacMahon to restore the monarchy, the plot of General Boulanger to establish a personal, military dictatorship, and, finally, the Dreyfus affair. Only after this last attempt on the part of the absolutists of the Right—just barely foiled by the resistance of the Left—did French politics cease to be the politics of imminent or actual civil war. It had been shown conclusively that neither side could win. The “Dreyfusards”—conservative men with a radical conscience, as they have been called not ineptly—really accepted and wanted freedom. What they got was an armed truce between irreconcilable camps, as the last years and especially the years of the *Front Populaire*, Laval and Pétain have shown only too clearly.

It is customary, especially in America, to view the achievements of 1776 and 1787 in exclusively legal terms. And the formulation of the American Constitution, the restoration and rejuvenation of the English Constitution, are indeed the most tangible monuments of the conservative counter-revolution. But it also laid the basis for the growth of extra-legal, extra-constitutional institutions for a hundred years afterward. It provided the principles on which they were based, the directions which they took, and the goal for which they aimed. In actual political and social life these extra-legal and extra-constitutional institutions were at least as important as the constitutions themselves.

Constitutions are a frame; they are a legal skeleton and nothing else. They set the limits for the political powers and the rules of procedure for their exercise. But they cannot organize society. The Founding Fathers have no greater claim to wisdom than that they never tried to do by legal and constitutional means what can be done only through social institutions. They never tried to manufacture institutions. They refused to impose an institutional strait-jacket upon posterity. But in solving their day-to-day problems they developed the principles of a free society and of free government so firmly that the succeeding generations could build on their foundation. There were tremendous changes in the fabric of society during the century after the conservative counter-revolution. In both America and England the institutions on which political life centred in 1876 were completely different from those of 1776. They were also different from anything the generation of 1776 had foreseen or would have expected. But without exception these new institutions were based on the principles of a free government and a free society as developed by the conservative counter-revolution.

In the United States there is in the first place the system

of two parties based not upon ideological and perfectionist programmes but upon traditions and local organization and permanent machines. Contrary to all party organization in Europe, the American political party is not a central and centralized body primarily concerned with conquering the central government. In spite of the tremendous uproar of presidential and congressional elections, the main interest of the party politicians centres on local city, county and state affairs. The national party is actually a holding corporation for very limited purposes. The local boss in city, county, and state is interested in national affairs and national elections only insofar as they tend to affect his own bailiwick. But the centre of his power and interest remains local.

Accordingly, the national contests every two or four years are disturbances for the local machines rather than—as in Europe—their primary *raison d'être*. The local organizations can survive—and survive well—without control of the central power. The Democratic party survived out of power far longer than any large European party could possibly have sustained itself in opposition. There is no machine politician in the United States—even in this age of growing central power—who would not rather have his party lose the presidency and gain control of all the key cities, than gain the presidency but lose locally.

With their strength in the local organizations, the American parties are strongly anticentralist. The president is nominally the party chief, but no president has ever lived at peace with his party, except by submitting to its anticentralist demands. By the same token no strong president has ever grown out of the “regular” party machine with its preoccupation with local affairs and “strategy.” Thus the party, while an instrument to win power at the centre, has seldom been able to win it for itself. It has therefore always been suspicious of, and opposed to, any extension of central power and any encroachment upon local autonomy.



With its centre in local issues and with its "party line" a compromise between many conflicting, local and regional beliefs, the American party has never become committed to an "all or nothing" programme. Being unideological, it can offer scope to any political belief, however extreme. It thus makes unnecessary and almost impossible the growth of extremist movements outside of party ranks. Yet, being free from ideological commitments, it can embody—and has done so—any popular demand once it has rallied sufficient popular support. It thus prevents—or at least slows down—sudden and radical shifts in policy. But it provides a vehicle for any and every programme that becomes general.

In fine, the American party has not only been an extremely conservative institution—anticultural and anti-authoritarian, regional and undogmatic; it has also been one of the most effective means of preventing government from becoming absolute. The party is in the state but not of the state. It has no counterpart in any modern European institution. The only parallels in Europe would be the estates of the late Middle Ages—like the American party anticentralist, regional and non-ideological, autonomous corporations.

Another very important though completely extra-legal safeguard of freedom in America has been the divorce of political from socio-economic power and standing. It may be true that the corruption of professional politics was the original reason that "respectable" people retired from political life. It is more likely that the corruption is an effect, not a cause, of the withdrawal of the gentleman from the arena into the counting house. In any case, the resulting lack of social esteem and standing of the professional of politics has led to a split between the political ruling class and the social ruling class which has prevented any one group from becoming *the* ruling class. And the contempt for the machine politicians has made it easy to throw

out any political leader who tried to make his tenure permanent.

The American experience has amply borne out the old saying that a corrupt ruler who can be thrown out is infinitely preferable to an honest "enlightened" and unselfish despot who, by virtue of these very qualities, is so respected as to become irremovable. And—contrary to general American belief—the experience with non-corrupt, "clean," municipal and provincial governments in Germany, France, or England does not make the price paid for the unintentional but tangible blessings of corruption appear to have been too high.

Above all, however, American freedom has been resting on American invisible self-government. A considerable part of governmental functions in the United States has been exercised by spontaneous, autonomous, and voluntary associations locally and regionally. It cannot be called a new development, for its roots are in the Colonial past, if not in mediæval England. But in the spontaneous, unorganized form in which it became effective in nineteenth-century America, invisible self-government grew out of the principles of 1776. The churches and the chambers of commerce, the Rotarians, the parent-teachers associations, etc., are not conscious that they discharge quasi-governmental functions; nor is the individual member aware of the fact that he takes part in spontaneous community government. Yet these associations, which are unique to the United States, do govern. They set community standards, discharge community functions, mould public opinion, and force or prevent community action. A man who wants to settle as a lawyer, doctor, or businessman in an English small town tries to get the support and moral backing of the "squire" and of the "gentry"; without it he is lost. In Germany—before Hitler—he had to get the support of the government officials on the spot: the local judge, the police chief, the provincial governor, and so on.

In America, a newcomer tries to get access to Rotary, the chamber of commerce, a particular church congregation, etc. These spontaneous and voluntary associations are perhaps the strongest antitotalitarian force extant in the present world.

On the basis of this analysis it appears that the freedom America has been enjoying cannot wholly or even largely be attributed to the frontier and to continental expansion. Indeed, there is perhaps no more vicious thesis than that freedom was a by-product of the frontier—except its European counterpart according to which imperialist expansion was the basis of England's and Europe's freedom during the nineteenth century. Both statements imply that there can be no freedom without a frontier or without colonial expansion—in other words, that there can be no freedom today.

It is at least arguable that the frontier and the phenomenal material and geographical expansion of America which resulted were as much of a strain on freedom as a help. Of course, the frontier was a tremendous safety valve—both for America and for Europe. It bred a spirit of equality and, more important, of an equal chance for everybody to become unequal—that is, privileged—which went far to make the promises of 1776 come true. But, on the other hand, the frontier and its rapid advance made inevitable the rise of the monopolistic "trust," the big railroad, timber, steel or land corporation with its tremendous dangers to freedom. The problems it imposed on a new nation had hardly ever been met before.

It is highly symptomatic that American independent political thinking ceased almost completely as soon as the explosive development of the frontier started in the middle forties. There have been no greater and no more original political thinkers in modern Europe than were produced by the first generation of American independence: Jeffer-

son, Hamilton, Madison, and Marshall. Even the second-rate men of those days, Monroe, Gallatin, the two Adamses, were respectable political philosophers in their own right. And, though the men of the next generation were a great deal smaller, there were still giants in Jackson, Webster, Clay, Calhoun, and the grossly underrated Van Buren.

After that what may be called the original stream of American political thinking disappeared; and it did not come out of its cave till the frontier was closing. Lincoln's tragic figure stands alone. But even Lincoln had no political philosophy. His greatness lies in his humanity. Before the time of Populism and of Wilson the physical strain of expansion was apparently too great to allow political thinking.

The one thing about the frontier that can be said with certainty is that the basis of American freedom was broad enough to make such unexpected expansion possible. It was firm enough to stand the strain. The principles were sound enough to neutralize all that was potentially unfree and absolutist in the frontier and in the rapid economic and geographic expansion; and they released all the forces in the expansion that were potentially capable of strengthening freedom.

Beginning with the North-western Ordinance the history of American expansion is the greatest story of the potential and inherent possibilities of free government. But there is little in this story to justify the belief that free government must have rapid material expansion, or that such expansion is the only task free government can master.

As far as English freedom during the nineteenth century is concerned, the two slogans which everybody has heard are "parliamentary sovereignty" and "majority government." Actually the English political system of the nineteenth century consisted largely of the limitations

of parliamentary sovereignty and of majority government. England really had minority rule limited by majority consent.

The concrete political institutions through which these aims were realized were: the two-party system which made the opposition an integral part of the government, the emergence of the cabinet and the independent civil service.

It might be said—though not without exaggeration—that the English Constitution during the nineteenth century could have worked without a government but not without an opposition. The ever-present possibility of an *alternative* government was actually the decisive fact of English political life. The will of the majority could never be final or absolute, for the dissenting will of the minority in opposition was as much the will of the British people and of the British government as the will of the majority in power.

The English—and the American—systems have been criticized as “undemocratic.” It is said that they prevent the absolute rule of the majority. But that is not only their function but also their main justification. By preventing absolute rule they safeguard freedom. Equally is it praise for the two-party system and not criticism to say that it prevents small groups from becoming effective.

Nothing is more salutary than the compulsion for new ideas and new leaders to fight their way through existing and working large parties. It forces the new to prove itself better and more effective than the old before it is allowed to supplant the old. To facilitate small factions and fractions destroys parliamentary government. It leads to a hopeless subdivision of political units which makes orderly government almost impossible. It always gives minuscule groups, representing nobody but themselves, a decisive position, a bargaining strength, a power and a freedom of access to the public purse which are out of all proportion to its real following in the population. The

two-party system is not only a safeguard against majority tyranny, but also against minority tyranny.\*

The limitation of majority rule through the two-party system was only one factor in the institutional machinery through which the government of England was divided and limited. A second factor was cabinet government, or, more precisely, the emergence of the prime minister. In effect, though not in law, the office of prime minister as it first emerged in the elder Pitt and as it has remained unchanged since Peel, derives its power not from Parliament but from the people. The prime minister is elected by the people; that the voter votes for his local member of Parliament and not for Disraeli, Gladstone or Asquith often had little more meaning than that the American voter legally casts his vote for a member of the Electoral College, not for the presidential candidate directly. Though elected indirectly, the prime minister was actually directly empowered to take charge of the executive branch of the government. He was limited by the requirement of parliamentary confidence. He was subject to recall in a general election every five years, if not earlier. But his power was in fact original and not derived power.

This fact which every prime minister understood, though it is not to be found in any textbook of English constitutional law, meant an effective division of powers and functions—an effective system of “checks and balances.” In the first place, it severely limited the scope and power of Parliament. To oppose the policy of a prime minister was not as easy a matter as it was in France or in Republican Germany, where prime ministers were the creatures of Parliament. It was also a more difficult and more dangerous matter than the opposition of an American

\* Though it is a distortion to regard proportional representation as the sole or main cause of the rise of Hitlerism or of the fall of France, I agree with Dr. F. A. Hermens and other defenders of the two-party system that the multi-party system, and the ease with which extreme groups could obtain representation were among the main causes of the weakness of popular government on the Continent of Europe. Here again European rationalism sacrificed freedom to the quest for perfection.

Congress to a president, which does not impose upon Congress the responsibility to find an alternative. Opposition to a prime minister who, in effect, was elected by the people, imposed the responsibility upon Parliament to find an alternative at least as acceptable to the people. A prime minister defeated in Parliament could always call upon the electorate to sustain him; or he could turn to the leader of the opposition and force him to obtain the direct endorsement of the people. In either case, interference by Parliament was extremely hazardous, could only be risked over principal issues, and could only be undertaken—legally and actually—as a last resort. Cabinet government thus virtually removed the greater part of executive policy from the power and function of Parliament. At the same time, the need for parliamentary sanction constituted a severe limitation upon the executive.

Opposition and the prime minister may be said to be organs of Parliament—though their main function was to prevent parliamentary absolutism. The civil service, however, is entirely independent of Parliament. It clearly and indisputably constituted a limitation of parliamentary power from the outside.

The civil service in the form in which it gradually developed in Great Britain during the nineteenth century, was a co-ruler with autonomous power, checked and balanced by Parliament just as much as it checked and balanced Parliament. But it was not controlled, created or dependent upon Parliament—except in legal fiction. Altogether the British civil service can be said to have exercised a function very similar to that exercised in the United States by the courts. It made sure that there was no sudden break in the continuity of development; it provided the main course underlying all temporary deviations, and it nullified parliamentary or executive encroachments upon established principles.

Every senior civil servant was expected as a matter of routine to prepare at the same time alternative policies for the

alternating parties. This ensured automatically that the two alternative proposals for the same situation would not differ in basic principle. Permanence of tenure, independence from both Parliament and the cabinet, and the existence of a permanent under-secretary as the real chief of each department, made the civil service an effective control and check of both Parliament and cabinet. The budgetary power of Parliament and the power of the cabinet to lay down the broad political frame for the work of each department checked and limited in turn the civil service.

As long as the civil service fulfilled nothing but this original function, the often heard criticism that it lacked imagination and initiative was unjustified. Insofar as the civil service had political functions, it acted as an arbiter with semi-judicial powers. It is not the business of a judge to imagine and initiate, but to restrain and to propitiate. Initiative and imagination, political leadership and vision had to come from Parliament or from the cabinet. The civil service had to see that such initiative and imagination were practical and in accordance with the basic principles of continuous government. It had what in effect amounted to a right and duty of judicial review by administrative process. But the very fact that a permanent under-secretary would have been remiss in his duty had he failed to prepare legislation for both the conservative and the liberal minister meant that he could not have taken the initiative himself without abandoning his real task.

This, of course, holds true only for the period when the civil service had this function as one branch of the government, controlled by and controlling the others. It is no longer true today when the civil service has in many respects become *the* government. This development of the political power of the bureaucracy which has cut down the power and function of both, Parliament and the cabinet, began around 1900. It is the most dangerous trend in English political life. It has almost destroyed the English Constitution and has created—for the first time in 175



years—a real danger of a centralized absolute despotism in Britain.

It is important to realize that the principles of the conservative counter-revolution resulted in a free society in the United States and in England although these two countries were dissimilar to start with. Though the American of 1776 was of the same racial stock as his contemporary in England, although he spoke the same language, had the same laws and, by and large, the same political tradition, he was sufficiently far removed from the mother country to rule out the attempt to explain the nineteenth-century free society in these two countries by the "racial genius" or the "political wisdom" of one race or nation.

It is not only true that the actual social and physical reality, the patterns of thought and of behaviour, the concrete problems and the concrete answers given in these two countries during the nineteenth century were completely different. The United States also moved away from England and from Europe during the entire century at an increasing pace as a result of the Revolution and of the westward movement which started soon afterward. The America of 1917, that came in to decide the greatest European war since Napoleon, was further away from Europe than the America of the colonial towns, of Jefferson, Dr. Franklin, George Washington, and John Adams. Steamboats, transatlantic cables and wireless by their very facility only tended to make contacts more superficial and passing than they had been in the days of the sailing vessel.

Every succeeding generation of Americans since the Revolution has been further away from England—or for that matter, from Europe—than its predecessors. Jackson and Clay were living at greater social and mental distance from Europe than John Quincy Adams or Daniel Webster—both of whom can be imagined as Englishmen though as Englishmen of the eighteenth century. Lincoln, Grant.

Andrew Johnson, the railroad builders, were even further away from Europe than Jackson and Clay. And with the next generation—that of Theodore Roosevelt and Woodrow Wilson, of Rockefeller, Morgan and Carnegie, Henry Adams and Lincoln Steffens—the United States was producing a type of leader and a mental and social climate which, for better or worse, was simply not imaginable in any European society—least of all in the England of 1900. There is a good deal of truth in the aphorism current among English newspaper correspondents that the United States had travelled so far away from Europe in mentality, customs and institutions as to have become almost comprehensible to a European. And it is a commonplace among writers and journalists who have to report on American developments for English readers (as I did for several years) that the common written language is more a handicap than a help, as it creates the illusion—fatal to a real understanding—that words and sentences have the same emotional and intellectual significance, the same associations and overtones, on either side of the Atlantic.

But the difference between these two countries only emphasizes the universality of the principles which both adopted. Starting from a different basis, wrestling with completely different realities, working in different social and emotional climates, both countries succeeded in developing a free mercantile society. However much they differed, they both took as their starting point that no man or group of men is perfect or in possession of Absolute Truth and Absolute Reason. And both the American Founding Fathers and the radical Conservatives in England believed in mixed government; in the consent of the governed as one, and in individual property rights as the other, limitation of government; in the separation of government in the political sphere from rule in the social sphere.

## 3

The American and English conservatives of 1776 and 1787 shared not only the principles; they also had in common the method which they used to develop a functioning society on a free basis. They both used it the same way and gave it the same consideration and the same importance.

The method of the conservative counter-revolution is just as important for us today as its principles—perhaps even more so. A good many political writers and thinkers today believe that principles are everything and that no such thing as method is required. This is a basic misunderstanding of the nature of politics and of political action which the generation of 1776 never would have made. They knew that principles without institutional realization are just as ineffective politically—and as vicious for the social order—as institutions without principles. Accordingly, method was as important to them as principles. And their success was just as much due to their method as to their principles.

Their method consisted in the last analysis of three parts:

In the first place, while conservative, they did not restore nor intend to restore. They never did idealize the past; and they had no illusions about the present in which they lived. They knew that the social reality had changed. They would never have conceived their task as anything but the integration of the new society on the basis of the old principles; never would they have countenanced any attempt to undo what had happened.

It is their unconditional refusal to restore which has made the Founding Fathers appear radical, and which has obscured the essentially conservative character of their work. Their social analysis was indeed radical—extremely radical. They never accepted the polite social conventions

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or the wishful restoration dreams which were based on the assumption that the old society was still functioning whereas in effect it had disappeared. It has often been remarked that in his factual analysis Burke agrees with Rousseau to an amazing extent. And a good many people have been surprised that, with the same evaluation of the facts as basis, he should have come to the opposite political conclusions. But the true conservative always agrees with the true revolutionary on the facts. Both understand, as neither Reactionary nor Liberal does, the nature of politics and of society. It is only on principles that they disagree; the one wants to create or to maintain freedom, the other to destroy it. But the conservative is no less conservative for being realistic about facts. And the generation of 1776 and 1787 saw the essence of their conservatism in the fact that they did not intend to restore. For restoration is just as violent and absolutist as revolution.

The Founding Fathers in America and the radical conservatives in England were thus conservatives of the present and future, rather than conservatives of the past. They knew that their social reality was that of a mercantile system, while their social institutions were pre-mercantile. Their method was to start with this fact and to develop a free and functioning mercantile society. They wanted to solve the future, not the past, to overcome the next and not the last revolution.

The second basic characteristic of their method was that they did not believe in blueprints or panaceae. They believed in a broad frame of general principles; and there they admitted of no compromise. But they knew that an institutional solution is acceptable only if it works; that is, if it solves an actual social problem. They also knew that practically every concrete institutional tool can be made to serve practically every ideal aim. They were doctrinaire in their dogmas, but extremely pragmatic in their day-to-day politics. They did not try to erect an ideal

or a complete structure; they were even willing to contradict themselves in the details of actual solutions. All they wanted was a solution that would do the job in hand—provided it could be fitted into the broad frame of principles.

This statement will be accepted readily enough as far as England is concerned. Though England, the home of the great utopias, was the most doctrinaire country in Europe in the two centuries before 1700, Burke's opposition to dogmatism has become the basis of English politics. It has even been driven so far as to become "muddling through"—the *reductio ad absurdum* of Burke's attitude in which the fear of dogmatism leads to having no principles at all.

For the United States, however, it may be argued that the Founding Fathers did indeed set up a blueprint: the Constitution. But the wisdom of the Constitution lies not in the extent to which it lays down rules but in its restraint. It contains a few basic principles, sets up a few basic institutions and lays down a few simple procedural rules. The members of the Philadelphia Convention opposed the inclusion of the Bill of Rights in the constitution not so much out of hostility to its provisions as from an aversion against mortgaging the future. Yet the provisions of the Bill of Rights are largely negative in character and lay down only what ought not, rather than what ought, to be done. The classic example of both, the method of the Founding Fathers, and its success, is the North-western Ordinance. This document provided the legal basis for the whole westward movement, and for the entirely new and highly successful method of organizing territories and creating new states. Yet it never wanted to be more than an *ad hoc* solution of an urgent, actual problem. Its makers neither envisaged nor expected what actually happened on the frontier within twenty-five years; all they did was to develop immediate piecemeal institutions and to fit them loosely into a wide frame of principles.

The wisdom of this approach can be amply proved by the actual experience of the generation of 1776. There were at least three men of unusual foresight and exceptional ability to see into the future. Jefferson was the only man in the America of 1800 who had a dim foreboding of the westward push which was to carry white settlement across the continent in less than a century. His political ideas were based on a faint vision of the great inland empire on the upper Mississippi that was to rise fifty years later. Yet he completely and utterly failed to see the rising tide of industrialization—though the railroad was the very thing which made his rural vision come true.

Hamilton, on the other hand, only saw industrialization. He was not only the one American, he was the only man of his generation—and of the next—who had an industrial vision. Yet he saw America for ever bordered by the Appalachians and confined to the immediate hinterland of the great trading cities on the Atlantic seaboard. Burke realized that international trade was going to be the basis of England's prosperity in the future. But he did not see that industry would be the basis of this trade or that English agriculture would have to be sacrificed to it.

Not a single one of the Constitution-makers in Philadelphia saw that within forty years slavery would become the great issue, endangering the very union they built. All expected it to die a speedy and apparently inevitable death. Altogether there were only a very few men who foresaw even a minute fraction of the great developments that were just about to happen, and no one who saw them all. Yet theirs was not an unusually bad but an unusually good guessing average.

The generation of 1776 and 1787 was just as unable to foresee what was to become of their solutions. Burke himself believed that the English Constitution and the English freedom rested on the juxtaposition of House of Commons, House of Lords and the Crown. He would have said that the collapse of the independent political power of the

Lords and of the Crown—both substantially completed with the Reform Bill of 1832—would have meant the end of English freedom. He was in favour of a legal system under which the Common Law would override parliamentary acts—that is, a system under which the courts could have declared acts of Parliament unconstitutional. In reality Parliament became the supreme lawgiver. The irony of the situation lies in the fact that the real safeguards of English freedom in the nineteenth century—the two-party system, the civil service and the responsible cabinet under a prime minister—all trace back to Burke who fathered the first two and assisted in the birth of the third. Yet he never saw their basic importance.

Similarly, in the United States the main dispute in the Constitutional Convention was between big and small states. If there was one thing of which the Constitution-makers were prouder than the bit of political arithmetic with which they settled the big state—small state issue, it was the neat mathematical equation of the Electoral College which was to elect the president. The issue between big and small states never came up again; and the Electoral College never functioned. But no one in Philadelphia foresaw the tremendous importance of judicial review, if, indeed, they foresaw the right of judicial review at all. And they would all have abhorred the party system which became so vital and unique a part of American political life and so important a bulwark of freedom. It is significant and instructive that both judicial review and the party system came in as *ad hoc* political moves to solve a practical problem; the first as a move of party politics to fight the Jeffersonian trend, the second to elect Jackson against the old-line politicians.

Neither the Americans nor the English—with the single exception of Hamilton—foresaw the rise of the autonomous rule in the economic sphere. Both saw property as a legitimate basis of power and as a limitation on the government. Both believed in the divorce of political and

social rule. Both limited the sphere of political government and thus made possible the rise of the rule in the economic sphere as an autonomous rule. But Burke—at the very time when the first of the great London banking houses were coming to the fore—thought with Jefferson that the economic rule would lie with the landowner.

The final point in the method of the conservative counter-revolution is what Burke called "prescription." That has nothing to do with the "sacredness of tradition." Burke himself ruthlessly discarded traditions and precedents when they did not work. Prescription is the expression in the field of political method of the principle of human imperfection. It simply says that man cannot foresee the future. He does not know where he goes. The only thing he can possibly know and understand is the actual society which has grown historically. Hence he must take existing social and political reality, rather than an ideal society, as the basis for his political and social activities. Man can never invent perfect institutional tools. Hence he had better rely upon old tools than try to invent new ones to do an ideal job. We know how an old tool works, what it can do and what it cannot do, how to use it and how far to trust it. And not only do we not know anything about the new tools; if they are hawked about as perfect tools we can be reasonably certain that they will work less well than the old ones which nobody expected or claimed to be perfect.

Prescription is not only the expression of the belief in human imperfection. It is not only the expression of that awareness that all society is the result of long historical growth which distinguishes the statesman from the mere politician. It is also a principle of economy; it teaches one to prefer the simple, cheap and common to the complicated, costly and shiny innovation. It is common sense pitted against Absolute Reason, experience and conscientiousness against superficial brilliance. It is



plodding, pedestrian and not spectacular—but dependable.

The great practitioners of this principle were not so much the English as the American Founding Fathers. A vast amount of research has been done to show how completely they depended upon the institutions that had proved workable and dependable in colonial government and administration, upon past experience and tried tools. A good deal of this research has been done in a “debunking” mood with the object of showing that the Constitution-makers were too dull and narrow to invent anything. This is, of course, as untenable as the proud belief of past generations that the America of 1788 had sprung fully armed out of the brains of the members of the Constitutional Convention. Actually, the caution with which the Founding Fathers avoided new and untried institutional constructions at a time of great stress and crisis is one of their greatest claims to wisdom and to our gratitude. They knew that they could use only what they had; and they also knew that the future has always started in the past and that it is the job of the statesman to decide which part of an imperfect past to stretch into a better future rather than to try to find the secret of perpetual political motion—or of perpetual political standstill.

The rise of an industrial system which cannot be organized socially by the mercantile society of the nineteenth century has destroyed—or at least seriously weakened—many of the most important parts of the achievements of 1776 and 1787. The nineteenth-century separation of political government and social rule—the great new safeguard of freedom—is almost gone. It is not being destroyed by a conspiracy or by mistakes. It has not failed because modern society is too “complex.” It has been disappearing because the institutions of the mercantile society cannot organize the power in the industrial system. There must be a functioning legitimate rule in the socially constitutive sphere. But the market cannot supply it in the

modern industrial corporation. Hence, central government has been moving in by default. And, as a consequence, we see today everywhere the rise of the centralized, uncontrollable and absolute bureaucracy which to the conservatives of 1776 was the supreme danger.

At the same time and for the same reason, self-government has been degenerating; it has almost disappeared. Popular government instead of being the vehicle to realize self-government, instead of being the institutional form for the individual's responsible decision, has largely become the means by which the individual escapes responsibility and decision. It has become the mechanism through which the individual shifts responsibility and decision from his own shoulders to those of people "paid to do the job"—the experts, the bureaucracy, finally a Führer. Instead of self government, we have largely today majority rule. Unless we create new institutions of self-government, we shall have the rule of the masses tomorrow; and the masses can only rule through, and be governed by, the tyrant.

The concrete society which the generation of 1776 built has largely broken down, and we must develop a new industrial society today. But both, the principles and the method of the conservative counter-revolution, still stand. If we want a free society, we can reach it only by adopting the same basic principles. The concrete social institutions of the future will be as different from those founded in 1776 and 1787 as they in turn were different from the institutions of the seventeenth or the eighteenth century. But if they are to be institutions of a free and a functioning society, the way to develop them is to use the same method as the generation of 1776: awareness that we cannot restore and that we have to accept the new industrial reality rather than try to go back to the old pre-industrial mercantile system: willingness to forgo blueprints and panaceae and to be content with the humble and less brilliant task of finding workable solutions—piecemeal and imperfect—for immediate problems; and knowledge that

we can use only what we have, and that we have to start where we are, not where we want to go.

The conservative counter-revolution of 1776 and 1787 achieved what has probably never been achieved before in Western history: the development of a new society with new values, new beliefs, new powers and a new social integration without social revolution, without decades of civil war, without totalitarian tyranny. It not only overcame the totalitarian revolution by offering a free and functioning social and political alternative; it developed this alternative without itself becoming entangled in totalitarianism and absolutism. It built so well that its mercantile society could for a hundred years contain an ever-growing industrial system which was opposed to everything the mercantile society stood for and depended upon.

Our task today may seem bigger and more difficult than that of the generation of 1776—though we probably tend to underestimate their difficulties since we know the answers, and to overestimate our difficulties since we do not know what is to happen. But it is certain that we can hope to achieve our task only if we base ourselves on the principles and depend upon the methods which the generation of 1776 bequeathed to us.