

THE POLITICAL PHILOSOPHY OF RICHARD PRICE.

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ABSTRACT

The Political Philosophy of Richard Price

This essay is concerned with the political thought of Richard Price, the Eighteenth Century Dissenter and publicist on moral, theological, political and financial matters. In particular, it is an attempt to show how his political philosophy is influenced by his discussion of ethical questions and by his pre-occupation with the problems of freedom of worship. He applies his basic principle, that each individual has both a duty and a right to act and to govern himself in accordance with the deliverances of his own conscience in various ways; it is made to serve the Dissenters in their quest for religious freedom, it forms the basis of the radical transformation of whig political theory, and it is brought to the defence of the American colonists in their struggle for self-government. An examination of these different applications of this principle draws attention to Price's interpretation of the claims of conscience, to his contribution to the Eighteenth Century debate on the nature of moral judgment, and to his justification of democracy. In criticism it is suggested that he distorts the nature of moral and political obligation by misconstruing the 'privacy' of individual conscience, and by interpreting the function of reason in ethics in terms of

an incorrigible and non-discursive intuition. An attempt is then made to re-interpret Price's defence of liberal and democratic institutions on the assumption that we have subsidiary obligations to criticise our consciences and to secure the adjustment of conflicting moral conceptions. Burke's attack upon him as a representative of the radical philosophers is also discussed, and, in the light of recent criticism, an attempt is made to assess to what extent his defence of democratic institutions has illiberal tendencies.

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PREFACE

In his own day Richard Price won considerable fame both as a political pamphleteer and as a publicist on financial matters. After his death this reputation passed under a cloud due, as Professor Laski suggested, to the failure of the financial schemes in which he advised Pitt and to the devastating criticism which Burke gave of his 'Discourse on the Love of Our Country'. In recent years there has been a renewal of interest in his thought, not in financial and political matters, but in his contributions to moral philosophy which, apart from the extracts published in Selby Bigge's 'British Moralists', had fallen into undeserved neglect. Much of this renewed interest is due to Professor Raphael's edition of the 'Review of the Principal Questions in Morals' and to the critical appraisal which he has given both in his introduction to this edition and in his chapter on Price in 'The Moral Sense'.

The aim of this essay is to reconsider Price's political writings in the light of his moral philosophy, and, in particular, in the light of his pre-occupation with the problems of freedom of conscience. I hope to show that from a study of his contributions

to the political problems of his own day interpreted in terms of his religious and ethical beliefs, there emerges a coherent political philosophy, which, if it does not contain much that is of striking originality, is representative of the aspirations and difficulties of liberal democracy.

In presenting these studies I wish to thank Professor H.B. Acton, under whose kindly supervision this work has been done, for his encouragement, advice and constant willingness to discuss all points of difficulty. I also wish to thank the Staff of the British Museum, the Librarian and Staff of the Tate Library, Bedford College, and the Librarian and Staff of Dr. William's Library, Gordon Square, for placing material at my disposal; Professor Raymond Klibansky, of McGill University, for sending me copies of the Hume-Price correspondence quoted in Chapter III; the Curator of the Cyfarthfa Castle Art Gallery and Museum, Merthyr Tydfil, for sending me copies of Price's correspondence; and the Rev. Dr. E.M. Edwards for many interesting discussions and permission to quote from his Ph.D. thesis on 'The Moral and Religious Philosophy of Richard Price'.

I also wish to thank the University of Wales for the award of a Fellowship.

ABBREVIATIONS

Unless otherwise stated quotations from the work of Richard Price are taken from the collection of his writings which was edited by his nephew, William Morgan, and published, in ten volumes, in London in the years 1815 and 1816. This collection is referred to throughout as 'Works of Richard Price'.

Quotations from the work of Edmund Burke are taken from Bohn's Standard Library Edition of 'The Works of Edmund Burke' in the reprint of 1909-11. This edition is referred to throughout as 'Works'.

Further details of other sources used are given in the Bibliography.

BIOGRAPHICAL NOTE

Richard Price was born at Tynton, in the parish of Llangeinor, in the county of Glamorgan on February 23rd, 1723. His father, Rees Price, was minister to a dissenting congregation at Bridgend, and his mother, Catherine, Rees Price's second wife, was the daughter of a physician of the same town. He was the only son and second child of their marriage.

His childhood was spent at Tynton. Rees Price, an orthodox and puritanical Calvinist, seems to have been of stern and forbidding character; he was one of those whose religious fervour and sense of discipline owe more to the wrath of the Old Testament than to the grace of the New, and, in consequence, life in the home was strict and severe. In his 'History of Llangynwyd Parish' T.C. Evans writes,

"The Prices of Tynton had a very high notion of parental authority and scrupled not to enforce that authority by extreme penalties; natural affections seeming to be crushed out of them if but a whim were thwarted." 1.

The austerity of this patriarchal rule was, however, somewhat softened by the grace and kindness of Catherine, who imbued her children with her own lively and kindly sensitivity.

1. op. cit., p. 91.

Price began his education, between the ages of eight and ten, at Bridgend, and thereafter in succession he attended a school run by Joseph Simmons, a dissenting minister, at Neath, and one run by Samuel Jones at Pentwyn in Carmarthenshire. The latter was an Arian, whose principles were admired, in Morgan's phrase, for 'their candour and liberality', and he was probably the first to suggest to Price religious principles other than those of his father's orthodoxy. Wherever Price learnt his Arianism, it cannot have been much to his father's liking, for it is recorded that when he caught his son reading a volume of Samuel Clarke, he became so angry that he hurled the offending volume into the fire. 1.

When he was fifteen, Price went to Vavasor Griffith's 2. Academy at Talgarth in Breconshire, to which he walked over the mountains from Bridgend. Here he was introduced to Bishop Butler's 'Analogy' and, Morgan rather romantically suggests, he reflected upon its content as he walked to the academy over the winter snows of the Brecon Beacons. There is little doubt that the work made a profound impression upon him, feeding his dissatisfaction with

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1. W. Turner, 'Lives of the Eminent Unitarians', London, 1843, Vol. II, p. 382.
 2. Vavasor Griffith's Academy was held at three different places: Maesgwyn, near Presteign in Radnorshire; Llwynllwyd, near Hay, in Breconshire, and Chancefield, in the town of Talgarth, in Breconshire. It is not certain at which of these Price received instruction, but Roland Thomas holds that the weight of evidence is for Chancefield, and this opinion concurs with the evidence cited by William Morgan in his Memoirs. Vide:- Roland Thomas, 'Richard Price', Oxford, 1924, pp. 165-170.

Calvinism, awakening his attachment to the "principles of candour and rational enquiry" and exciting an interest which it was always a joy to recall. Of this early introduction to Butler's thought, Price later wrote,

"I reckon it happy for me that this book was one of the first that fell into my hands. It taught me the proper mode of reasoning on moral and religious subjects, and particularly the importance of paying due regard to the imperfections of human knowledge." 1.

Rees Price died in 1739. The Tynton family had been affluent, but on the father's death, since the bulk of the property was bequeathed to John, the eldest surviving child of the first marriage, Richard's mother, Catherine, and his sisters, Sarah and Elizabeth, were reduced in circumstances and moved from Tynton to a smaller house at Bridgend. Price came to their relief by making over to them a legacy of £400 which he received by his father's will.

For a short time after his father's death Price remained at Chancefield, but his stay was cut short by the death of his mother, scarcely a year later. Upon the advice of his uncle, Samuel Price, a brother to Rees Price and a co-pastor with Isaac Watts in London, he decided to prepare for the Dissenting Ministry and went up to London to begin his training at Coward's Academy at Tenter Alley in Moorfields. It is well known that the Dissenters of the Eighteenth Century attached great importance to education. Debarred from Oxford and Cambridge they made strenuous efforts to support their own educational establishments and to

1. 'Observations on the Importance of the American Revolution' (1784), 'The Works of Richard Price', Vol. VIII, pp. 61, 62.

provide training for those entering the ministry. The predominating interest in the curricula was theological, but with the exception of those whose teaching was founded on the strictest Calvinistic orthodoxy, the Academies sought to foster catholicity of outlook and a spirit of rational, impartial and disinterested inquiry. Turner, after noting that the Academy at Mile End required subscription to ten printed articles of the strictest Calvinism - a subscription to be repeated every six months - emphasises that the Unitarian Academies tried to avoid throwing 'any artificial temptations' in the way of the 'enlightened enquirer after truth',

"Such is the unavoidable influence of personal connexions, of early prepossessions, of the example of those by whose advice and instruction we are necessarily guided before we are able to form a conclusion or opinion which can be called really our own, that it is rarely possible for any one to come to the examination of the most important of all questions perfectly free from all bias or prejudice; and therefore it is not to be wondered at, that the majority of the young men who resort to these institutions are found to espouse the prevailing sentiments of the place; but it has commonly been our object, so to frame their constitution, and so to regulate the plan of study and instruction pursued in them, as to counteract, and not to give increased and unnecessary strength to these misleading influences. And there is good reason to believe, that in these endeavours the excellent persons to whom the education of our young divines has been committed, have not been altogether unsuccessful. They have not only refrained from attempting to exercise any undue influence over their pupils, but have endeavoured, while communicating instruction, to preserve their own minds in the desirable attitude of seekers after truth; not bound by the trammels of any sect or system, but ready to follow her footsteps in whatever direction they appeared to lead. This refusal to submit to shackles on enquiry, or to impose them on others, is so obviously suggested by a rational and well founded confidence in the ground and evidence of our opinions, that we are at a loss to understand how a different procedure can be ascribed to any thing else than a secret misgiving that all is not right." 1.

1. Turner, op. cit., Vol. I, p. 351.

Such was the spirit of candour which was the educational ideal of the Unitarians; Price himself became one of its most ardent advocates, and it is probable that the inculcation of this respect for the appeal to reason was the most formative influence in his intellectual development. Although theology was the main interest, students were interested in a far-ran^ging curriculum. In philosophy, the main staple of the diet seems to have been Locke's "Essay concerning Human Understanding", added to which considerable attention was paid to Grotius's "The Truth of Religion" and "De jure belli ac pacis", to Pufendorf's "De jure naturae" and "Introduction to the Study of Europe" and to the "Lectures" of Doddridge.¹ At Tenter Alley Price's tutors were Joseph Denham and John Eames. The latter had been a friend of Isaac Newton and by him had been introduced into the Royal Society; he was a man of vast erudition and it is more than probable that it was he who inspired Price's enduring passion for mathematics.

When his course at Coward's Academy came to an end, Price, at the age of twenty-one, entered the household of Mr. Streatfield, at Stoke Newington, as family chaplain. His duties in this capacity were not heavy and for the following twelve years he had ample time in which to pursue his studies in theology, philosophy and mathematics. During these years he officiated at various chapels, or 'Meeting places'

1. Vide: Lincoln, 'English Dissent', Cambridge, 1938, Ch. III.

as they were known to the Dissenters, particularly at that of Dr. Samuel Chandler in Old Jewry. In the pulpit Price gave rein to his native talent for inspired preaching, and the eloquence, which later in his career was to move the congregation which flocked to hear him speak on the principles of the French Revolution, began to attract attention at Old Jewry, but not, however, with the approval of Dr. Chandler,

"Here he seemed to acquire considerable popularity; but Dr. Chandler, for reasons best known to himself, advised him to be less energetic in his manner, and to deliver his discourses with more diffidence and modesty. This rebuke had its natural effect on the mild and unassuming temper of Mr. Price. To avoid an extreme into which he was in no danger of falling, he ran into the opposite extreme of a cold and lifeless delivery, which, by rendering him less popular with the congregation, disposed them to feel less regret when their minister had no further occasion for his services." 1.

It is evident that Price was rebuked out of his naturally fervent manner of preaching, and that his decision to lay aside his "hwy1" had disastrous effects both upon the quality of his preaching and upon the allegiance of his congregation. The incident is interesting because it illustrates a practical consequence of the application (or misapplication) of rationalism to conduct. By nature Price was sensitive to rebuke, but the objections made to his manner of preaching were more keenly felt because he himself had become to feel uneasy about the manner of his preaching. Both as a rationalist and as a puritan he distrusted the passions, and like Bishop Butler

1. W. Morgan, 'Memoir' included in 'The Works of Richard Price', Vol. I, pp. 11, 12.

he abhorred 'enthusiasm'. It is then probable that he became highly suspicious of the natural fervour which suffused his sermons and of the animation which seemed to belie the dispassionate attention which argument and evidence require. It was unfortunate that he chose to repress his 'hwyl', although in practice the distinction between discipline and repression is not easy to draw, not only because he ruined his preaching by forcing himself into a style which did not suit him, but also because he frustrated the naturally vigorous expression of his convictions. The restraint which he imposed upon himself, and the feeling that he had failed as a preacher, produced a depression to which with his rather melancholy temperament he seems to have been prone.

In 1756, Mr. Streatfield and his uncle Samuel Price died; from both he received legacies which improved his financial position considerably, although it is probable that he would have received greater kindness from his uncle had he not alienated his affections by adhering to unorthodox and liberal views. The greater part of the property was bequeathed to Price's step-brother John. Despite this disappointment, Price was now sufficiently relieved from financial anxieties to feel free to marry. On June 16th, he was wedded to Miss Sarah Blundell of Belgrave, in Leicestershire, and their marriage, although ^hse_^ was a continuous invalid, was a happy one.

In 1758 he became morning and afternoon preacher to the English Presbyterians at the Green of Stoke Newington. The same year saw the first of his publications, the fruit of the time spent at Mr. Streatfield's, 'A Review of the Principal Questions in Morals'. 1. This work proved to be the definitive statement of his ethical position - in subsequent years he made no large scale revision of its content - and his greatest, and it may be said his only major, contribution to philosophical thought. It was not widely received - more than ten years were to elapse before it reached a second edition - but it served to bring him to the notice of those who were interested in the problems of moral philosophy. It brought him the attention of Adams and of Hume, who admired the 'liberal manner in which his doctrines had been converted'. 2. As Hume had expressed a desire to meet his critics,

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1. "A Review of the Principal Questions and Difficulties in Morals, particularly those respecting the Origin of our Ideas of Virtue, its Nature, relation to the Deity, Obligation, Subject Matter, and Sanctions." The first edition appeared in 1758, the second in 1769, and the third in 1787. The latter was enlarged with "A Dissertation on the Being and Attributes of the Deity" and its title omitted "and Difficulties"; below this work is referred to as 'The Review', in D.D. Raphael's edition, Oxford, 1948.
 2. "The modesty, candor, and benevolence displayed in this work, conciliated the minds even of those who differed most widely in their sentiments from the author. In this number Mr. Hume should be particularly mentioned, who, admiring the liberal manner in which his doctrines had been controverted, conceived so favourable an impression of the writer, that it gave rise to an acquaintance which was continued on both sides with uninterrupted esteem and friendship. Mr. Hume had been so little accustomed to civility from his theological adversaries that his admiration was naturally excited by the least appearance of it in any of their publications

In a subsequent interview with Mr. Price, when Mr. Hume visited him at his house at Newington Green, he candidly acknowledged that on one point Mr. Price had succeeded in convincing him that his arguments were inconclusive; but it does not appear that Mr. Hume, in consequence of this conviction, made any alteration in the subsequent edition of his Essays." Morgan, op. cit., pp. 16, 17.

Cadell, the publisher, arranged a dinner at his house in the Strand, to which Price was invited. Others present included Dr. William Adams, Master of Pembroke, Oxford, and Dr. John Douglas, Bishop of Salisbury. The dinner seems to have been a success, and friendly relationships were established.^{1.} Hume and Price subsequently exchanged visits and indulged in keen though amicable controversy. In his 'Observations on the Importance of the American Revolution', Price acknowledges his debt to Hume.

"And I cannot help adding, however strange it may seem, that I owe much to the philosophical writings of Mr. Hume, which I likewise studied early in life. Though an enemy to his Scepticism, I have profited by it. By attacking, with great ability, every principle of truth and reason, he put me upon examining the ground upon which I stood, and taught me not hastily to take anything for granted."^{2.}

A year after his marriage Price moved his home from Hackney to Stoke Newington and there his circle of acquaintance grew. Amongst his neighbours was Thomas Rogers, the father of Samuel Rogers,

1. "Dr. Price, assured me that they were all delighted with David." A. Dyce, 'Table Talk of Samuel Rogers', (Ed. Morchard Bishop), London, 1952, p. 73.

2. op. cit., p. 62.

the poet, and Price was a frequent visitor to their home.^{1.} Along with Thomas Rogers he became a member of a fashionable literary circle which met in the houses of its members on Friday evenings. This group included Mrs. Elizabeth Montagu, authoress of "Essays on Shakespeare"; the Earl of Shelburne, later Marquis of Lansdowne;^{2.} Mrs. Hester Chapone, the essayist, and Lord Lyttelton.

But perhaps of greater importance in his intellectual development was the "Honest Whigs" Club which met firstly at St. Paul's Churchyard and later at the London Coffee House on Ludgate Hill,^{3.} to discuss the topics of the day. Here he met Benjamin Franklin, who had come to this country to represent the Americans on the vexed problem of taxation;^{4.} Joseph Priestley, with whom he enjoyed a lifelong

1. "In my boyhood, my father one day called me and my brothers into his room, and asked us each what professions we wished to follow. When my turn came, I said (to my father's annoyance) that I should like "to be a preacher"; for it was then the height of my ambition to figure in a pulpit; - I thought there was nothing on earth so grand. This predilection, I believe, was occasioned chiefly by the admiration I felt for Dr. Price and for his preaching. He was our neighbour (at Newington Green), and would often drop in, to spend the evening with us, in his dressing gown: he would talk, and read the Bible, to us, till he sent us to bed in a frame of mind as heavenly as his own. He lived much in the society of Lord Lansdowne and other people of rank; and his manners were extremely polished. In the pulpit he was great indeed, -- making the hearers forget the preacher and think only of the subject." A. Dyce, op. cit., p. 3.
2. Vide: Carl B. Cone, "Torchbearer of Freedom", Lexington, 1952, pp.56, 57.
3. Vide: Morgan, op. cit., p. 48.
4. Franklin, returned to America, recalled with pleasure "that happy company with whom I pass'd so many agreeable Evenings that I shall always think of it with pleasure". A.H. Smyth, 'The Writings of Benjamin Franklin', New York (1907), Vol. IV, p. 220.

friendship and much candid controversy; John Canton, who became famous for his work on the compressibility of water; Andrew Kippis, a Dissenting clergyman; Sir John Pringle, President of the Royal Society; James Burgh, author of "Political Disquisitions", and James Boswell,^{1.} There were many leading Dissenters in this group, and liberal and radical political views predominated.

He was also a Fellow of the Royal Society. Thomas Bayes, a Presbyterian minister at Tunbridge Wells, had introduced him to the following problem in mathematics,

"Given the number of times an unknown event has happened and failed, required the chance that the probability of its happening in a single trial lies somewhere between any two degrees of probability that can be named."

Price submitted a solution by letter to John Canton, who offered it to the Royal Society, by whom it was published in their Philosophical Transactions.^{2.} In the following year he submitted an improved solution^{3.} for publication, and in recognition of his work he was elected a Fellow of the Society in 1765. His interest in mathematics was not confined to the pure or theoretical; he also turned his attention to the practical employment of the solutions which he had derived for the problems of probability, more especially in the field of insurance. The Eighteenth

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1. Cone, (op. cit., p. 54) cites an account which Boswell, who refers to Price as the "Mr. Price who writes on Morals", gives of an evening spent at the Club. Vide also: Scott and Pottle (eds), 'Private Papers of James Boswell etc.', Vol. VIII, p. 121.
 2. Phil. Trans. Vol. LIII, p. 370.
 3. Phil. Trans. Vol. LIV, p. 296.

Century saw the development of the practice of life insurance, but progress was slow as there was no adequate statistical information concerning the rates of mortality and no developed actuarial science. Because of these inadequacies, many of the early 'bubble' companies had foundered with considerable loss to those who had invested in them. Disturbed by the suffering caused to so many in this way, Price interested himself in the mathematical problems involved and devoted considerable time to an attempt to improve the methods of calculation used in estimating premiums. The first fruit of these studies he submitted to Benjamin Franklin in a letter which was published in the Philosophical Transactions of the Royal Society in 1769.^{1.} In the following year he published a further paper entitled "Observations on the proper method of calculating the value of Reversions depending on Survivorships".^{2.} These papers together with discussions of other insurance problems were incorporated in his "Observations on Reversionary Payments" which appeared in 1771.^{3.} In this volume he opens his discussion by criticising certain current plans for calculating annuities, using their content to illustrate the difficulties involved, and then attacks what he considers to be the main problem, that of determining life expectancy. The main obstacle to be overcome is the lack of information concerning mortality rates; in default

1. Phil. Trans. Vol. LIX, pp. 89 et seq.

2. Phil. Trans. Vol. LX, pp. 268 et seq.

3. The full title of which is "Observations on Reversionary Payments; on Schemes for providing Annuities for Widows, and for Persons in Old Age; on the Method of Calculating the Values of Assurances on Lives; and on the National Debt. To which are added, Four Essays on Different Subjects in the Doctrine of Life Annuities and Political Arithmetick. Also an Appendix, Containing a complete Set of Tables; particularly, Four New Tables, shewing the probabilities of Life in London, Norwich and Northampton; and the Values of joint Lives." The sixth edition is contained in 'The Works of Richard Price', Vol. V.

of adequate data, Price indicates the kinds of assumptions that must be made in the construction of mortality tables, for example, that husbands are generally older than wives, and that country dwellers have a longer expectation of life than Londoners, and outlines the principles upon which, given such assumptions, the tables should be constructed. He also turned his attention to the problem of acquiring more extensive and accurate data, and, using parish registers, constructed what were to become famous in the history of insurance, the Northampton Tables. This volume also contained digressions on the National Debt, the Sinking Fund, and, prompted by the observation that life expectancy in the country was greater than it was in the towns, homilies which contrasted the virtues of the simple rural life with the viciousness of the dissipations of the town. Statistics were brought to the defence of Rousseau.

While he was engaged in these studies his advice on actuarial problems was sought by the Equitable Assurance Society, which had been founded in 1762, and it was through his criticism of plans which were submitted to him in this way, and the adoption of the schemes which he proposed, that he came to have great influence upon the development of practice. He trained his nephew and biographer, William 'Actuary' Morgan, in the growing science, and secured an appointment for him as actuary to the Society in 1774. At the same time he also advised several voluntary friendly societies which assisted working people to make provision for old age and times of sickness. With Francis Maseres he worked on a national scheme for the provision of old age pensions. The central idea of the plan which they devised was that working people

should be enabled to provide against misfortune and their declining years by making voluntary weekly contributions to a fund from which they could draw either when they were ill or when they reached old age. These proposals were embodied in a bill submitted to Parliament in 1773; the measure passed the Commons but was defeated in the Lords. A similar fate met a similar project submitted in 1789. Then, Price at the invitation of a select Committee of the House of Commons had prepared tables which were intended to serve as the basis of a similar scheme for relief. Characteristic of the schemes was the emphasis placed upon individual responsibility; they were in effect schemes to help people to help themselves, and contained no element of direct State or social assistance, and no element of the view that the plight either of the sick or the aged was a responsibility of government. On the contrary, one of the arguments used to obtain support for the measures was that by being enabled to provide for their own futures, people would not need to rely upon poor law relief.

During the period of his life extending from the death of Mr. Streatfield until the outbreak of the War of American Independence, Price divided his time between the duties of his ministry, the study of ethical and theological problems, his practical concern with the problems of insurance and provision for the poor, and the social life which his membership of the "Honest Whigs" and his large circle of acquaintance brought him. He always laid especial emphasis upon the duties of his pastorate and would allow neither his intellectual interests nor his social commitments to distract him from the spiritual care of his

congregations. In 1769, the second edition of the 'Review' appeared as did the first of Price's theological publications, "Four Dissertations". This volume included 'On Providence', 'On Prayer', 'On the Reasons for expecting that Virtuous Men shall meet after Death in a State of Happiness', and 'On the Importance of Christianity, the Nature of Historical Evidence, and Miracles'¹, the last-named containing a reply to Hume's 'Essay on Miracles'. In the same year Price was awarded the Degree of Doctor of Divinity by the Mareschal College at Aberdeen. During this period of his life he had not taken much direct part in political activity, his role in the development of social insurance being more that of a financial adviser than that of active protagonist. There was, however, one exception, and this concerned the movement for the removal of those civil disabilities which attached to the profession of unorthodox religious beliefs, a movement in which, as a Dissenter, he was keenly interested. It is of extreme importance for the analysis of his political thought to note that his first preoccupations with political problems centred round the problem of freedom of worship. As we hope to show the cast of his political thinking is moulded in the forms which he believed that freedom of conscience require. During 1771 some members of the clergy and the laity inaugurated a movement to relieve clerics of the Anglican Church from the need to subscribe to the Thirty-Nine Articles, and, in due course, a bill

1. The Works of Richard Price, Vol. III.

to that purpose was presented to Parliament. Edward Richard and Dr. Philip Furneaux were present at the Debate at the Commons and decided that, although the Bill had failed to pass the House, the number of supporters which it received made the time opportune for the Dissenters to seek relief from their civil disabilities. They conferred with Price and summoned the Committee of Protestant Dissenting Deputies. This Committee agreed to make application for relief from subscription and elected Price to the sub-committee which was entrusted with the task of preparing and conducting the application.^{1.} Two attempts were made, one in 1772 and one in 1773, but although both secured the assent of the Commons, they failed in the Lords. The intractable opposition of the Bishops forced the Dissenters to lay aside their reform projects until a later date. Price found that the part which he had played had brought him recognition as one of the leading Dissenters and as one of the leading protagonists of religious toleration.

It was the outbreak of the American War of Independence which stimulated Price to devote his pen to political topics. In the years preceding he had ample opportunity to acquaint himself with the issues involved. Franklin himself had been a member of the "Honest Whigs" club, and, being a Dissenter and sharing liberal and radical political principles in common with many of the prominent members of the club,

1. Cf. Turner, op. cit., Vol. II, p. 408.

had done much to inculcate sympathy for the colonists' cause. Price had also corresponded with several prominent Americans, in particular with John Winthrop, Hollis Professor of Mathematics and Natural Philosophy at Harvard; Charles Chauncy, Minister of the First Church at Boston, and Ezra Stiles, Minister of the Second Congregational Church in Newport. Through Stiles he had been introduced to Henry Marchant, Attorney General of Rhode Island, whom he met when the latter came to England in 1771, and through Chauncy he was introduced to Josiah Quincy, jnr, a Boston lawyer, who also crossed the Atlantic to represent the colonists. Quincy dined with the "Honest Whigs" on January 19th, 1775, calling them 'a club of friends of Liberty'.¹ During this period Price also came in contact with several of the leading sympathisers with the Americans in this country; Priestley, Kippis and Burgh were members of the "Honest Whigs"; his work in connection with religious toleration had brought him to the notice of Chatham;² he enjoyed the friendship of Shelburne, who had been placed in charge of American affairs during Grafton's ministry; he also enjoyed the acquaintance of Colonel Isaac Barré, who had won considerable fame in the colonies for his "Sons of Liberty" speech in opposition to the Stamp Act, of John Dunning, later Lord Ashburton, and of Lord Lyttelton. Through Shelburne he also met the Abbé Morellet, an economist of liberal persuasions and a friend of Turgot, when he visited this country in 1772. It can thus be safely said that

1. Cone, *op. cit.*, p. 54.

2. See below, p. 145, 146.

the more influential of Price's acquaintances were on the side of the colonists in their attempt to resist the claims of the Administration; this was particularly true of the Dissenters whose domestic situation had won them to a liberal and radical political outlook, and who, in consequence, conceived the justice of the American cause in the light of those principles which they made the basis of their own programme for political reform.

Price's first publication on the debate, his "Observations on the Nature of Civil Liberty, the Principles of Self-Government, and the Justice and Policy of the War with America" was prepared during the winter following the outbreak of the war, and was first published in February, 1776. This work had a wide and popular reception. It ran to five editions in as many weeks, and before the end of the year fifteen editions, over 60,000 copies, had been printed in London alone. In the same year it was reprinted at Dublin, Edinburgh, Boston, New York, Philadelphia and at Charleston in South Carolina. Among the Dissenters and the Radicals at home the work was widely acclaimed, and as a token of its approval the City of London conferred its Freedom upon Price. But he was not without his critics, not only those who supported the Administration, but also those who supported the colonists upon different principles. The foremost of these was Edmund Burke, who replied to Price with his "Letter to the Sheriffs of Bristol".

Price replied to these criticisms in a further volume entitled "Additional Observations on the Nature and Value of Civil Liberty and

the War with America" which was published in March 1777. In the following year he combined both productions in a single volume with additional replies to criticism contained in a new Introduction. 1.

These publications served to establish Price's reputation as a political writer among those of radical and liberal outlook. In America, particularly, he became extremely popular. In December, 1778, he received an invitation from the American Congress to become a Citizen of the United States, and to go there to assist them in the organisation of their finances. But this he felt unable to accept. Further honours followed; in 1781 Yale awarded him the degree of LL.D., and in 1782 he was elected Fellow of the American Academy of Arts and Sciences at Boston.

But these years were not without their tribulations; his active support of the colonists had brought him much bitter and scurrilous criticism at home, and it is not surprising that after the Peace of Paris, though rejoicing in the fact that the Americans had finally triumphed in their cause, he wished to retire from active participation in political affairs. This wish he expressed in his 'Observations on the Importance of the American Revolution, and the means of making it a benefit to the world', which was published in 1784.² This pamphlet restated some of Price's most cherished political convictions, and commented on some of the problems which faced the Americans.

1. 'The Works of Richard Price', Vol. VII.

2. 'The Works of Richard Price', Vol. VIII.

His attention during these War Years had not, however, been exclusively confined to the American quarrel. In 1778 there appeared a volume entitled 'A Free Discussion of the doctrines of Materialism and Philosophical Necessity, in a correspondence between Dr. Price and Dr. Priestley',¹ an account of a debate which he had conducted by correspondence with Priestley on the philosophical problem of the freedom of the will and allied topics. This volume is of interest not only because it contains the substance of a debate between a libertarian and a necessarian, but also for the manner in which the controversy was conducted. It was a formal exercise in candour. At a time when abuse and invective were the rule rather than the exception in controversy, both Priestley and Price decided to give their contemporaries a lesson in literary manners. Argument, they claimed, should devote itself exclusively to the truth and nothing should be allowed to distract attention from impartial and dispassionate inquiry. Attention to evidence and logical rigour should predominate, and, thus inspired, debate should make no concessions to the detriment of truth and need not rely, and should not rely, upon personal abuse. The ideal of candour required a polite but rigorous exchange of opinions.

Price also continued his studies in economic questions, in which his interest was not confined to the problems of insurance and the relief of the poor. He also concerned himself with the state of

1. 'The Works of Richard Price', Vol. IV.

the national finances, paying particular attention to problems connected with the redemption of the National Debt. In his 'Observations on Reversionary Payments' (1771) he had outlined what he considered to be the evils of an ever-growing National Debt, and had emphasised the desirability of taking steps to reduce it; he believed that the increasing debt brought the threat of national bankruptcy, and placed too much power in the hands of the Administration. By creating jobs and places it gave the Crown too many opportunities for corruption; by its inflationary tendency it increased the prices of provisions and labour, and, in consequence, checked the growth of population. In his 'Appeal to the Public on the Subject of the National Debt'¹ which was published in 1772, Price had gone into these evils in greater detail and had suggested his favourite method for debt redemption, the Sinking Fund. The core of this scheme, and of others which Price suggested to the authorities, was that the Government should establish a fund the ultimate purpose of which was to buy back National Debt Stock from its creditors. The basis of this fund was to be provided by creating an excess of revenue over expenditure, and by devoting the surplus thus provided to the purchase of stock. Each year the interest which the stock yielded was to be devoted along with the annual surplus to buying fresh stock. This procedure was to be continued for about twenty years, after which time the income of the Fund was to be devoted not

1. 'The Works of Richard Price', Vol. VIII.

to accumulating fresh stock, but to cancelling it as it was bought. In Price's terms the scheme seemed to be more impressive than the facts warranted, because he was always at pains to demonstrate in glowing phrases the seemingly miraculous efficacy of the operation of Compound Interest. He had often discussed these matters with Shelburne, and on the latter's accession to power, he submitted a plan for the provision of such a Sinking Fund to redeem a debt which by then, 1783, had grown, he estimated, to £252 millions.¹ The main features of this were provisions for new taxation to cover not only the then existing deficit in revenue, but also a surplus of £1 million per annum for the basis of the Fund, and proposals for upward conversions, an unorthodox and characteristic feature of Price's financial nostrums, of existing debt from 3 per cents to 4 per cents. Shelburne's fall from office precluded action being taken on this plan, and for a time Price's hopes were thwarted. But he did not have long to wait, for the accession of Pitt to power brought into office one who had been stimulated by Price's writings on the subject, and who was as keen as Price was that some measures should be taken to reduce the size of the Debt. Pitt submitted a plan for Price's criticism,

"Before I form any decisive opinion, I wish to learn your sentiments upon it, and I shall think myself obliged to you for any improvement you can suggest if you think the principle a right one, or any other proposal which from your knowledge of the subject you may think preferable." 2.

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1. Details of this plan were published in 'The State of the Public Debts and Finances at signing the Preliminary Articles of Peace, in January, 1783. With a plan for raising money by public loans, and for redeeming the public debts.' contained in 'The Works of Richard Price', Vol. VIII.
 2. J.H. Rose, "Pitt and National Revival", p. 190. Letter dated 8th January, 1786.

The plan did not meet with Price's approval, and in replying he took the opportunity to submit three schemes of his own. The first comprised the basic article common to all three, that an annual surplus of a million pounds should be devoted to the creation of the fund, and, in addition to this, it recommended that £60 millions of stock should be converted from 3 per cents to 4 per cents, and that £600,000 should be raised by new taxes to defray the increased interest rates. The second scheme stipulated that an additional £600,000 should be raised over the first five years of the scheme's operation but did not provide for conversions. The third scheme omitted both the provisions for conversions and the additional £600,000 taxation, and thus consisted simply in the provision for a million surplus. The first scheme was the one which Price would have liked to have seen adopted, as he claimed that it would have enabled £180 millions to have been redeemed within forty years. It was, however, the third scheme which most closely resembled the one which Pitt finally adopted. The measure brought before Parliament in March and April stipulated that a surplus of a million should be paid over in quarterly instalments to a Board of Commissioners who were to be responsible for operating the Sinking Fund, and that new taxes to the extent of £100,000 per annum were to be levied to bring the peacetime surplus of revenue over expenditure up to the amount required to provide the surplus. The Fund thus established was to be allowed to accumulate until its income reached £4 millions, and then it was to be used solely for debt redemption. Price was

disappointed that more drastic measures were not taken, but relieved to find that his many years of exhortation had at last found an echo in practical policies. Though Price's contribution was not acknowledged at the time, it is now not doubted that he had considerable influence, whether for good or for ill, upon Pitt's financial policy. ^{1.}

The year 1786 might well have seen Price's complete retirement from public affairs. With his last publication on American problems he had expressed the wish that this should be so. Some but not all of his hopes had been realised; his reputation in America stood high, and the expressions of affectionate esteem and regard which he received were compensation for the bitter and envenomed years at home. Pitt's financial measures, though not as drastic as he could have wished, were, he believed, steps in the right direction and relieved the anxieties which he felt concerning the national finances. The repeated failure of the Dissenters to secure relief, except for the modified form of subscription which Parliament accepted in 1779, ^{2.} was a continuous disappointment, but Price felt that there was little more he could do. Towards the end of the year there came a sadness which confirmed his desire for retirement - his wife died.

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1. Vide: E.L. Hargreaves, 'The National Debt', London, 1930.
 2. A Bill was passed by both Houses exchanging for subscription to the Thirty-Nine Articles a simple declaration of Christianity, Protestantism and acceptance of the Scriptures.

For a time he fell into despondency, but encouraged by his friends, Shelburne and Priestley, to continue his studies, he stirred himself to prepare a third edition of the 'Review' and to complete the preparation of a volume of his Sermons.¹ Part of this work is devoted to a series of moral exhortations, and part is concerned with those distinctions which serve to define his theological position. As an Arian he distinguishes himself from the orthodox Calvinists on the one hand, and from Socinians like Priestley and from Unitarians like Theophilus Lindsey on the other; the subtleties of these distinctions he regards as a work of intellectual supererogation, for, though important, they exceed the universal principles of Christianity which all men need to accept.

The autumn of his days might have been spent in this way quietly preparing his papers and sermons for publication and retired from scenes of public excitement; but the sympathy and the fervour which the events of the French Revolution evoked amongst Dissenters and others of radical persuasions, dictated otherwise. They focussed Price in a blaze of publicity. When the Revolution Society (a Society for Commemorating the Glorious Revolution of 1688) met in 1788, their proceedings, due to the activities in France, were

1. 'Sermons on the Christian Doctrine as received by the Different Denominations of Christians. To which are added Sermons on the Security and Happiness of a Virtuous Course, on the Goodness of God, and the Resurrection of Lazarus', 'The Works of Richard Price', Vol. IX.

charged with a new significance. Price was invited to deliver a sermon to the Society, but he declined on the grounds of ill-health. He was, however, present at a dinner given by the Society on the same day and proposed a toast to "The memory of the Bishops who were imprisoned in the Tower, and may all clerical men show themselves equal enemies to arbitrary power". At this time he was corresponding with Thomas Jefferson, the American Minister in Paris, the Duke de la Rochefoucauld and Rabaut St. Etienne. By them, and by his nephew, George Cadogan Morgan, who spent the summer of 1789 travelling in France, he was kept informed of events. In the course which the Revolution was taking Price saw nothing but occasion for joy, and the promise of a new era in human relationships. When asked to deliver the sermon for the Revolution Society's celebrations in 1789, although a sick man, he made it the occasion for the delivery of his celebrated "Discourse on the Love of Our Country".¹ This sermon was delivered at the Meeting Place in Old Jewry on the afternoon of November 4th and in the evening, at the dinner given by the Society, he moved a Congratulatory Address to the National Assembly of France. The enthusiasm which seized the members of the Society shows in the language which they used to express their sympathy,

1. "A Discourse on the Love of Our Country, delivered on Nov. 4th, 1789, at the Meeting House in the Old Jewry, to the Society for Commemorating the Revolution in Great Britain. With an Appendix, containing the Report of the Committee of the Society; an account of the population of France; and the Declaration of Rights by the National Assembly of France."
 'The Works of Richard Price', Vol. X.

"The Society for commemorating the Revolution in GREAT BRITAIN, disdaining national partialities, and rejoicing in every triumph of liberty and justice over arbitrary power, offer to the National Assembly of FRANCE their congratulations on the Revolution in that country, and on the prospect it gives to the first two kingdoms in the world of a common participation in the blessings of civil and religious liberty.

They cannot help adding their ardent wishes of a happy settlement of so important a Revolution, and at the same time expressing the particular satisfaction with which they reflect on the tendency of the glorious example given in FRANCE to encourage other nations to assert the inalienable rights of mankind, and thereby to introduce a general reformation in the governments of EUROPE, and to make the world free and happy." 1.

These proceedings touched off an animated and bitter controversy which silhouetted Price as a leader of the radical movement. Those who favoured reform were loud in their praise of the sermon and he received many messages of congratulation from revolutionary societies in France. It seemed a fitting climax to his career that current events gave promise of the realisation of the hopes which had inspired all his political writings. At a meeting of the Society for Promoting Constitutional Knowledge held at the London Tavern on December 16th, 1789, where he proposed a toast to the "Majesty of the People", he himself was, in the exuberant language of the time, toasted as "The Friend of the Universe".

But the volume of execration was as large as the volume of praise. The acclaim which he received from the radicals was only equalled by the hostile criticism which came from the opponents

1. Vide: Appendices to "A Discourse on the Love of Our Country", 'The Works of Richard Price', Vol. X.

of reform. The wrath which the sermon provoked was crystallized by Burke in his "Reflections on the Revolution in France", a work which did more than anything else to range the sympathies of British public opinion. In doing so, it provided ground for a further pamphlet war, but Price, now in failing health, was too exhausted to participate with his old vigour. The role of protagonist now fell into other hands, notably into those of Thomas Paine, Christopher Wyvill and Joseph Priestley. With "The Rights of Man", "A defence of Dr. Price, and the Reformers of England" and "Letters to the Right Honourable Edmund Burke, occasioned by his Reflections on the Revolution in France", respectively, they accepted the challenge which Burke had thrown down.

On November 4th, 1790, Price presided at the meeting of the Revolution Society, and proposed the toast "The Parliament of Britain, may it become a National Assembly." The wording of this toast, and the speech with which he supported it gave rise to misunderstandings and the misconception that Price and his followers desired a form of republicanism. To correct these he published an appendix to a further edition of his Discourse, and in doing so took advantage of the opportunity to reply to some of the criticisms which Burke had made. But these replies were not substantial, nor did Price devote himself at great length to the task of refutation. He was now content to leave the work to other hands.

His health had for some time given cause for concern. Never robust in constitution, the excitements of the last few years had dissipated the energies which by his constant hard work he had been inclined to overtax. While officiating at a funeral in February, 1791, he caught a cold which developed into a fever and forced him to take to his bed. For some time there was hope that he would make a recovery, but this proved illusory, and on April 19th, he died.

A tablet erected to Price's memory at Stoke Newington Chapel (in 1841) contains the following:

"Theologian, Philosopher, Mathematician: friend to freedom as to virtue; brother of man; lover of truth as of God; his eminent talents were matched by his integrity, simplicity and goodness of heart, his moral dignity by his profound humility."

In a funeral oration Priestley remarked,

"Dr. Price's piety, which is the surest foundation, was not less, though it was less conspicuous than his benevolence Such simplicity of manners, with such genuine marks of perfect integrity and benevolence, diffused around him a charm, which the forms of politeness can but poorly imitate." 1.

Mrs. Hester Chapone gives the following sketch of Price under the title of 'Simplicius':

"While the vain man is painfully striving to outshine all the company, and to attract their admiration, by false wit, forced compliments, and studied graces, he must surely be mortified to observe how constantly SIMPLICIUS engages their attention, respect and complacency, without once having thought of himself as a person of any consequence among them.

1. "A Discourse on Occasion of the Death of Dr. Price, pp. 18, 20., contained in 'The Works of Richard Price', Vol. I.

Simplicius imparts his superior knowledge, when called upon, as easily and naturally as he would tell you what it is o'clock, and with the same readiness and good-will informs the most ignorant, or confers with the most learned. He is as willing to receive information as to give it, and to join the company, as far as he is able, in the most trifling conversation into which they happen to fall, as in the most serious or sublime. If he disputes, it is with as much candour on the most important and interesting, as on the most insignificant subjects, and he is not less patient in hearing than in answering his antagonist. If you talk to him of himself, or his works, he accepts praise, or acknowledges defects, with equal meekness, and it is impossible to suspect him of affectation in either. We are more obliged and gratified by the plain unexaggerated expressions of his regards than the compliments and attention of the most accomplished pattern of high-breeding; because his benevolence and sincerity are so strongly marked in every look, word, and action, that we are convinced his civilities are offered for our sakes, not for his own; and as the natural effects of real kindness, not the studied ornaments of behaviour. Every one is desirous to shew him kindness in return, which we know will be accepted just as it is meant. All are ready to pay him that deference which he does not desire, and to give him credit for more than he assumes, or even for more than he possesses. With a person ungraceful, and with manners unpolished by the world, his behaviour is always proper, easy and respectable; as free from constraint and servility in the highest company as from haughtiness and insolence in the lowest. His dignity arises from his humility; and the sweetness, gentleness, and frankness of his manners from the real goodness and rectitude of his heart, which lies open to inspection in all the fearlessness of truth, without any seed of disguise or ornament." 1.

Memorials and panegyrics need to be taken with salt, as does the style of Mrs. Hester Chapone. No doubt Price himself would have smiled at the thought that he should be recommended to posterity in such smooth terms. But although we need to discount the praise of those whose enthusiasm owes much to the solemnity of the occasion and to the conventions of literary exercise, we need not dismiss them completely, for it is interesting and important to note that they all emphasise his humility and his integrity. And this they did, we

1. 'Miscellanies in Prose and Verse', 1787, pp. 20-23.

imagine, not just because it was the conventional thing to do, but because it was the quality which they most easily associated with his name. Even more than by his intellectual attainments - and Condorcet could say of him that he was one of the most formative minds in Europe¹ - he succeeded in impressing his contemporaries by his devotion to the ideals of character and by his success in realising them in his own person. In this more than in anything else lay his achievement for he came to exemplify in himself, the piety, the benevolence, the humility and the appeal to reason to which he drew attention as a moralist and as a preacher. Nowadays biographers have become suspicious of the virtues. It is healthy that they should be so if they are expressing a reaction to the heavy sanctimoniousness of the pre-Strachey manner, but there is a danger that we may be taken by such suspicion into a scepticism which would prevent our understanding and acknowledging the achievements of those who have succeeded in moulding their characters according to their conceptions, and who, though they themselves would deny it, bear a mark of saintliness which is something other than the guile and hypocrisy of a Tartuffe.

The discharge of all obligations Price understood as service to God, but he laid special emphasis upon those which marked his vocation as a minister. He would allow nothing, not even his studies, to distract him from the spiritual care of his flock; - indeed, he was often suspicious that the time which he devoted to study could have been

1. Quoted by H.N. Brailsford, 'Shelley, Godwin and Their Circle', p. 11.

better spent in other pursuits - and it was a matter of much sorrow to him that he did not have greater effectiveness as a preacher. In an age in which the religious seemed more concerned with the subtleties of doctrine than with practical commitments, he emphasised that devotion to God should show itself in works of charity, and his labours in the fields of insurance and social assistance, although accompanied by a delight in applied mathematics for its own sake, were inspired by this spirit of benevolence.

His humility and candour were part of his great capacity for friendship; we have already intimated the serenity of his own home, his lifelong association with the leading members of the "Honest Whigs", Franklin, Priestley, Kippis and Burgh, and with the social circle with whom he came into contact through his friendship with Thomas Rogers; but there were many more instances, too numerous to mention. Howard the philanthropist and prison reformer, for example, wrote to him,

"I am ashamed to think how much I have accumulated your labour; yet I glory in that assistance, to which I owe so much credit in the world, and, under Providence, success in my endeavours. It is from your kind aid and assistance, my dear friend, that I derive so much of my character and influence." 1.

The groups of whom he had little understanding and for whom he showed little sympathy were those whom his Puritanism set at a distance - the Dissenters had little relish for the co-operation of

1. J. Stoughton, 'Howard the Philanthropist and His Friends', p. 273.

John Wilkes in the propagation of the principles of political reform - and those who bore hostility to radical and liberal opinions. By conviction Price could not move in the circle of Burke and Johnson, though there is good reason to doubt the veracity of Boswell's account of the latter's studied discourtesy towards him. 1.

Price also won esteem for the simplicity of his manners. He was, indeed, a mild man, diffident and of retiring disposition. The portrait by Benjamin West, then President of the Royal Academy, shows the small, slim frame, the large head, strong features and a lively, intelligent eye. It also suggests a caution and timidity

1. In his biography of Johnson, Boswell remarks, "The Reverend Dr. Parr, in a late tract appears to suppose that Dr. Johnson not only endured, but almost solicited, an interview with Dr. Priestley. In justice to Dr. Johnson, I declare my firm belief that he never did. My illustrious friend was particularly resolute in not giving countenance to men whose writings he considered as pernicious to society. I was present at Oxford when Dr. Price, even before he had rendered himself so generally obnoxious by his zeal for the French Revolution, came into a company where Dr. Johnson was, who instantly left the room. Much more would he have reprobated Dr. Priestley." (G.B. Hill's edition, Vol. IV, p. 238 fn. See also: Vol. IV, pp. 434-5).

Priestley was evidently aware that a story was being circulated to the effect that Johnson had walked out either on Price or on himself, and he took great exception to it. In his "Appeal to the Public", published in 1792 (Vide: 'Works' ed. Rutt, Vol. XIX, p. 502) he sets himself to answer "the impudent falsehood that when I was at Oxford, Dr. Johnson left a company on my being introduced to it."

"In fact, we never were at Oxford at the same time, and the only interview I ever had with him was at Mr. Paradise's, where we dined together at his own request. He was particularly civil to me, and promised to call upon me the next time he should go through Birmingham. He behaved with the same civility to Dr. Price, when they supped together at Dr. Adam's, at Oxford." *ibid.*

which disguised the forthrightness with which he could commit himself when occasion demanded. The mildness of his temperament was underlined by melancholy, and though normally he was of serene disposition, there were occasions when he gave way to a deep depression. As Priestley notes, he was given to looking on the dark side of things, and although confidence and steadfastness were the lineaments of his ideal of character, there was within him a native inclination to despair. 1.

This tendency to sadness and melancholy may be attributed partly to his own ill-health - he was never robust - partly to the sorrow of his wife's continuous indisposition, and partly to the lasting influence of his childhood days at Tynnton, but, whatever its cause may have been, the recurring bouts of depression and the gloominess of outlook which they produced contrast strangely and vividly with the normal serenity of his disposition and the optimism of his beliefs. To some extent this conflict in his character reflects the contrasting temperaments of his parents - the charm and vivacity of Catherine and

(continuation of fn. 1. from p. XXXVI.)

Neither Morgan nor Price refer to the incident which Boswell claims occurred at Oxford, and, as far as can be ascertained, there is no substantiation of it elsewhere; although he takes the version that the incivility was shown to him as well Priestley's version seems acceptable, because we know Price to have been an acquaintance of Dr. Adam's, Master of Pembroke, and because although Johnson was a violent critic of the radicals and the followers of Rousseau, yet such discourtesy is not consistent with his character.

1. "and as he was too apt to look at the dark side of things, sentiments of the deepest reverence, and the most entire submission to the divine will, were most predominant on such occasions." "A Discourse on the Occasion of the Death of Dr. Price." 'The Works of Richard Price', Vol. I, p. 19.

the stark and almost brutal gloominess of Rees Price. Reacting against the oppressiveness of his father's way of life, and inspired by the sympathy of his mother, he went in search of more humane and happier creeds, and it was not long before he was won to rational and humanitarian principles both in religion and ethics. But the conflict of these early influences, despite his conscious rejection of his father's convictions, was never entirely resolved. It showed itself in the vacillations both of temperament and outlook, in his relapses from serenity into deep depression, and in his relapses from the confidence of his rationalism into a pessimism which echoed his father's pre-occupation with the total depravity of man. This conflict pervades his thought. It is strange to note, for example, those occasions when Price counsels the complete acceptance of circumstance and events as the dispensation of Providence, when for the greater part he emphasises the need for each person, as an agent of Providence, to do all that he can to improve the lot of his fellowmen and to make human society more worthy of God's devotion. Similarly, it is strange to note the extreme depression with which he can view the events of his own times - the failure of the Dissenters to secure freedom of worship, and the growth of corruption in the order of government - when for the greater part he was demonstrating the rationalist's faith in meliorism, in the belief that Providence was continually exercising itself through human agency to improve the lot of man in society. Again, his emphasis upon the depravity of

man, especially his consciousness of the depravity of contemporary sophisticated society, contrasts strangely with his belief that man is naturally good and naturally disposed to do God's will. This ambivalence recurs frequently; it is to be seen in the contrast between his rejection, under the influence of Rousseau, of the sophistications of civilised society, and his ardent advocacy, in the manner of the Enlightenment, of the pursuit of knowledge in all its forms. Finally, his recoil from what he believed to be the wickednesses of the time, contrasts violently with the conviction, which forms a basis of his democracy, that man's reason is divinely inspired, and that each man desires to live in accordance with his knowledge of God's will.

While it is important to note those respects in which his pessimism does violence to the tenour of his main philosophical position, it is also important to note that sometimes he expresses himself with an optimism which also does violence to his main convictions. The paean of lyrical enthusiasm with which he greeted the French Revolution smacks of optimism carried to the point of hysteria, and it cannot be denied that his judgments on that occasion were neither sober nor balanced. This enthusiasm had its ground in certain rather facile interpretations of the rationality of man, interpretations which have been of ill service because they have concealed the more important aspects of his thought. For example, his main interpretation of rationality is as an ideal or norm which

each person has the capacity and the duty to cultivate, but there are occasions when he seems to assume that the ideals of rational virtue which he delineates can be taken to be descriptive of man as he already is; he seems to assume not that man should be rational, but that he always is so. Similarly, the ideal of progress is sometimes misinterpreted not as a norm but as a historical law; his meliorism takes the form of inevitable progress.

But just as the moments of extreme depression and despair, and those of rapturous excitement and uncritical prophecy were aberrations from his normal serenity, so too, we submit, were his digressions, whether to pessimism or to facile optimism, declensions from the strength of his main philosophical position. This was based upon his conception of personality and his conception of virtuous conduct. He conceives of man as one endowed with the faculty of rational criticism and with dominion over his own resolutions, and, thus, capable of service to God. Though there are inconsistencies in his exposition, he does not conceive of man either so constituted that by his inherent depravity he is incapable of such service, or so constituted that he will inevitably perform such service. It is, of course, true that, on occasion, he suggests these alternatives, but these, we submit, are neither his main nor his most mature conceptions. The ideal of conduct, Price maintains, lies in devotion to virtue and devotion to the service of God. Each person has knowledge of God's will and it is his duty not only to act

in accordance with that will, but also to train himself that he may the more adequately and the more faithfully discharge that service. These ideals he elaborates in a highly rationalist and individualist manner, and his whole political philosophy may be said to be an attempt to state the social and political conditions which it requires. This political philosophy we still need to appraise, but as evidence of Price's success in realising that ideal in his own person, of his own integrity and piety, we have the eloquent testimony of his contemporaries.

INTRODUCTION

The political thought of Richard Price falls into three phases: the first concerns the problem of freedom of worship in which as an Eighteenth Century Dissenter he was practically interested; in the second, which concerns the American War of Independence, he brought to the defence of the colonists arguments in favour of democratic government and national autonomy; in the third, concerning the first years of the French Revolution, he appears as one of the leading English sympathisers with the aims of the Revolutionaries.

The purpose of this essay is to trace the affinities of the various arguments which Price adduced in favour of these several causes, and to show how, with their attendant difficulties, they characterise the political outlook and the philosophical foundations of a representative Eighteenth Century liberal democrat. The dominant themes which emerge are those concerning the freedom to worship, the freedom to act and to be governed in accordance with the dictates of conscience, and the individual's moral responsibility to do all that he can to ensure the good government

of his community. The arguments for toleration in religious matters, with their implications in civil matters, the arguments for freedom of speech, unrestricted enquiry and disinterested education, the concepts of moral and political self-government, the advocacy of popular political responsibility and the sovereignty of the general will, and the advocacy of social and constitutional reform, all have their point of departure in an attempt to elucidate those conditions in which each individual can enjoy freedom of conscience. Consequently, an analysis of how this demand for freedom was held to imply a demand for liberal and democratic institutions will show how much the development of the liberal democratic political philosophy owed to the preoccupation with the problems of religious freedom, and how the concepts which were used to elucidate the nature of each individual's alleged right to worship God in the manner which seems most appropriate to him, had a formative influence upon that political philosophy.

In dealing with the different phases of Price's thought we shall try to locate his contribution in its particular historical setting and to show the measure of his debt to his predecessors and his contemporaries. In our first chapter we shall sketch the social and political problems of the Eighteenth Century Dissenters and show why they were led to claim that each individual has a right to act in accordance with his own conscience. We shall suggest that the main intellectual difficulty which this claim had to meet was that

of showing the feasibility of allowing to each one the enjoyment of this freedom and we shall show how Price tried to overcome this difficulty by relying on the assumptions that there is a moral order which integrates and harmonises all conscientious activity, and that the requirements of such an order are made manifest to each individual. These assumptions derived plausibility from the belief that the conscience of each individual is Divinely and privately inspired and from a construction of the objectivity of ethics which implied that our moral perceptions are the direct and immediate apprehensions of the provisions of the moral law. In our second chapter we shall examine Price's account of the epistemology of moral and political judgment and see how, in an attempt to refute what he took to be the subjectivist ethics of Hutcheson and Hume, he construes the claim that our moral judgments are objective to imply that our intuitions of moral truth are incorrigible, an implication which accords well with the ground upon which he chooses to argue the feasibility of freedom of conscience. In our criticism of this discussion we shall suggest that Price confuses the notion that our moral judgments have an objective reference with the claim that they are the immediate apprehensions of eternal truths, and that his attempt to refute Hume and Hutcheson does not require the assimilation of moral judgment to Cartesian intuition. Further, in discussing the difficulties which meet the view that our moral intuitions are incorrigible, we shall consider the force of Price's discussion of moral experience when he is not preoccupied with epistemological problems, and show

how he admits certain elements in our moral thinking which are incompatible with the claim that our moral intuitions are incorrigible. Particularly is this so in his discussion of Candour, the plea for impartial and disinterested enquiry, which provides a ~~different~~ series of arguments for liberal institutions ~~than~~ ^{different from those which} he derives from the assumption that our consciences are both Divinely and privately inspired. These we shall discuss in our third chapter. Bearing in mind the central claim that there is a moral order which harmonises all conscientious activity, the requirements of which are apprehended directly by rational intuition, we shall proceed to examine the arguments for democratic institutions and national autonomy. This can best be done by examining Price's definitions of freedom and self-government in the context of the War of American Independence. A comparison of the different definitions of these terms and an analysis of their assimilation will elucidate many of the liberal presuppositions of his thought (in particular, the notion of the self-dependence or 'privacy' of the individual) and the intimate connection which he understands to exist between moral self-government, that is, action in accordance with the dictates of conscience, and political self-government, that is, the possession of political rights.

In our fifth chapter, we shall discuss his practical application of the concept of popular political responsibility, the emergence of that concept from the whig tradition of political

theory, the measure of Price's debt to Locke, Rousseau and Montesquieu, and the inconsistencies that are to be found between his theoretical position and his practical recommendations. This discussion will enable us to see on what basis he sympathised with the French Revolutionaries and to what extent that sympathy was limited by his liberalism.

Since Price's most important arguments for democratic institutions derive from his conception of the claims of moral experience, it is important to ask what are the political implications of the claims (a) that each one has a right to act and to be governed in accordance with his conscience, and (b) that each one has a moral responsibility to participate in the procedures of government. In our sixth chapter we shall suggest that it is misleading to interpret these claims on the assumption that each individual's conscience is Divinely inspired and that there is a moral order which integrates and harmonises each one's moral conceptions, but that, if due allowance is made for our subsidiary moral obligations, namely, those that arise because our moral judgment is corrigible and because there are different moral conceptions within any community, there is a sense in which it is valid to say that each one has a right to be governed in accordance with his (reflective) conscience, and that each one has a duty (and a right) to participate in government. Our presentation of the way in which we believe that these claims are valid involves a reconsideration of the Doctrine of Consent and the Theory of the Social Contract.

No account of Price's thought would be complete without a discussion of the criticism which Burke gave of the 'Discourse' in his 'Reflections'. The latter is, of course, much more than a reply to the argument of the 'Discourse' but since Price is a representative of those who argued from what to Burke was the anathema of abstract right and metaphysical principle, a detailed examination of the criticism which Burke gave not only of the 'Discourse' itself but of the presuppositions which underlie its argument, will serve to elucidate the main features of the radical outlook in the light of a political philosophy with which it is almost completely incompatible. The attempt to present a comprehensive account of Burke's political philosophy would be far beyond the scope of this essay; our attention must then be confined to the main points upon which Burke found disagreement with the Dissenters and the measure of the justice of his criticism. His attack upon Price is centred upon the conception of popular political responsibility, and, in particular, upon the claim that the people have a discretionary right to vary the forms of the Constitution. Since the radicals had re-interpreted the whig tradition in democratic terms, and were using this re-interpretation to recommend the aspirations of the French Revolutionaries to British Whigs and Liberals alike, Burke was compelled to revise the interpretation of the significance of 1688. This we shall discuss in our seventh chapter together with the reasons which he produced for opposing the attempts made in 1790

to relieve the Dissenters of their civil disabilities. In our eighth chapter we shall examine Burke's attack upon the concept of popular political responsibility, the demand for constitutional reform and the kind of political philosophising which made the radical viewpoint plausible. In criticism we shall suggest that Burke misunderstood Price's conception of popular political responsibility, and that such misunderstanding arose from his failure to appreciate the force of the radicals' concern with the problems of ascribing responsibility for political change. We shall also suggest that Burke's doctrine of prescription and prejudice blind him to the problems which the demand for creative change produce, and that he underestimates the value of responsible public criticism and the moral value of participation in public affairs.

In our concluding chapter, by way of considering Price's thought as a whole, we shall try to present the main liberal and democratic features of his thought and to estimate the value of his dominating interest in the notion that each one has a moral responsibility to participate in the affairs of government.

CHAPTER I.

DISSENT AND FREEDOM OF WORSHIP

This assertion of a right to freedom of conscience -
in other words, the right to govern oneself - at first sight
may appear to be the assertion of a private right, that is, a right
of that which is of concern only to the individual. It seems
to be formulated as a demand that the devotional faith of the
individual be left that is of deepest moment in his spiritual life

In his treatment of the problems of freedom of worship Price is concerned to assert that every one has the right to rely upon his own conscience in religious matters, to be free to hold what doctrines he thinks true, to pursue what religious practices he believes appropriate and not to be subject to any civil penalties in adhering to his convictions in these matters. To substantiate these claims in the legal and political context of his own time he has to establish that the State has no right to attach either privileges or penalties to the profession of religious beliefs or to the performance of religious practices for which the individual finds a sanction in his own conscience.

This assertion of a right to freedom of conscience - in Price's phrase, the right to govern oneself - at first just seems to be the assertion of a private right, that is, a right to do that which is of concern only to the individual. It seems to be formulated as a demand that the devotional faith of the individual and all that is of deepest moment in his spiritual life

should not be troubled, abstracted as it is from worldly concerns, by the demands and requirements of the State. But against those who argued that the State is justified in interfering in religious matters for the sake of the public good, it would not have been sufficient to have construed and argued freedom of conscience merely as a private right in this way. To satisfy the demands of the Dissenters and to secure reform in the Eighteenth Century it was also necessary to establish that each person has the right to act as he thinks fit even where his action touches and influences the affairs of others. Price finds that he has to argue not simply that each person has the right to govern himself according to his own moral conceptions in those things which concern himself alone, but also that each person has the right to act in accordance with his conscience in all matters. Not only in the private sanctuaries of the heart and mind, but also in all affairs of public concern, ought each individual to be allowed to abide by his conception of God's will and purpose.

To substantiate this claim Price has to show how it is feasible to grant such a freedom of conscience to each one. By definition, it is feasible to grant a private right to every one, and, given that it is admissible to construe the right to freedom of conscience in religious matters as a private right, it must then be admitted that it is feasible to grant complete freedom of worship, but this does not necessarily hold good for the public aspects of

conscientious activity. If I act as I think fit in affairs which are of interest and concern to me alone, then my freedom to so act cannot interfere with your freedom to do likewise, but it is by no means clear that, if I act as I think fit in matters which do affect your interest, my freedom will not encroach upon your freedom to act in accordance with your conscience. Price bases his attempt to show that there is such a compatibility of moral performance on the assumption that the requirements of a moral order which harmonises men's conscientious activities are made manifest to each individual. My acting in accordance with the dictates of my conscience does not interfere with your acting in accordance with the dictates of your conscience, for in each of us conscience apprehends the provisions of an order which secures such a harmony. This assumption will be seen to be the basis of Price's claim that each one has a right to do what he thinks he ought to do, and it is important, in examining what implications this assumption has for moral and political theory, to note how its plausibility is heightened by the further assumptions that our consciences are both privately and Divinely inspired. By way of introduction to our discussion of these implications, particularly those of holding that God's will, which secures such a harmony, is directly revealed to each individual, it will be useful to examine the social and political difficulties which faced the Dissenters of the Eighteenth Century and to show how, in order to overcome these difficulties, they were led to postulate a harmony of conscience whose provisions are apprehended by the reason of each individual.

It is not easy to estimate to what degree the Dissenters, those who did not accept the faith and the sacraments of the Anglican Church, suffered on account of their religious convictions in the Eighteenth Century. Legally they were subject to severe penalties, but such was the tolerance of the age and the general practical indifference to doctrinal controversies that many of the threats under which they laboured were only nominal. Compared with the Dissenters of the Seventeenth Century or with the minorities on the Continent, Eighteenth Century Dissenters could consider themselves fortunate. In large measure they were allowed to go about their occasions in peace, even where those occasions were without the letter of the law, and, despite their legal disqualifications, they were often allowed to play a full part in public life and to undertake civic responsibilities. If they suffered, they suffered more from the fears of persecution than from persecution itself, and much of their history is better interpreted as an attempt to rid themselves of the anxieties of legal insecurity than as a direct resistance to oppression. It would, however, be misleading to suggest that their only cause for complaint lay in the dreads of the imagination. If not openly or violently persecuted, they suffered many tiresome annoyances and many real impediments to the good life. Their exclusion from the Universities and their being required to contribute to the maintenance of a Church to which they owed no spiritual allegiance were, in themselves, sufficient ground for agitation and reform.

Their legal position had been defined by the Toleration Act of 1689, that "curious patchwork of compromise, illogicality and political good sense",^{1.} which had mitigated the severities to which the Dissenters had been subjected by enactments in the reigns of Charles II and James I. The Act of Uniformity (1662) had required that all ministers should use the revised book of common prayer, and that every minister should declare his unfeigned assent to all things contained therein, on pain of deprivation. The clergy and all those engaged in education had to renounce the doctrine that it is lawful to take up arms against the king and had to promise to conform to the Liturgy. No one who had not had episcopal ordination could hold a benefice, and all heads of colleges had to subscribe to the Thirty Nine Articles. By the Conventicle Act (1664) the holding of a seditious conventicle, by which was meant any assembly for the exercise of religion "in other manner than is allowed by the liturgy or practice of the Church of England" had been made punishable on a third offence, by transportation for seven years or a fine of £100. By the Five Mile Act (1665) any of the 2,000 clergy expelled from their benefices in 1662 had been forbidden to establish congregations or to become schoolmasters in the places from which they had been evicted.

Much of the harshness of these enactments had been relieved by the Toleration Act. Forthwith Dissenters were to be protected in their worship provided they fulfilled certain requirements.

1. G.M. Trevelyan, 'History of England', p. 476.

They were to take the oath of allegiance, to make a declaration against the doctrine of transubstantiation, to renounce the deposing power of the Pope and the belief that he had jurisdiction in England, to register their meeting places at the Court of the Bishop or of the Archdeacon, or at the County Sessions, and to conduct their meetings behind unlocked doors. Dissenting Ministers in order to gain protection had to subscribe to all but five of the Thirty Nine Articles.^{1.} If they fulfilled these conditions, the Dissenters were protected in their worship, and penalties could be imposed on those who disturbed their services.

But this protection was not enjoyed by all Dissenters. It applied only to those Presbyterians, Independents and Baptists who found it in their conscience to subscribe to the doctrinal articles. The Act excluded from protection all those who did not accept the doctrine of the Trinity as laid down in the Thirty Nine Articles; it thereby excluded the Arians, the Socinians and the Unitarians. The growth of Arianism and the spread of rational criticism amongst the Dissenters during the Century, which was paralleled by the spread of Latitudinarianism in the Anglican Church,

1. Dissenting Ministers were allowed to omit the following:-

- | | |
|---------------------------|--|
| Article XX (first clause) | - Church's Power over Rites and Ceremonial and Controversies of Faith. |
| Article XXXIV | - Traditions of the Church. |
| Article XXXV | - The Book of Homilies. |
| Article XXXVI | - Consecration of Bishops and Ministers. |

Baptists were also allowed to omit the last sentence of Article XXVII dealing with Infant Baptism.

progressively increased the numbers of those who fell outside the protection of the Toleration Act. They were liable to severe penalties.

By Statute in 1698 it was provided that if any person educated in the Christian religion,

"Shall by writing, printing, teaching or advised speaking deny any one of the persons in the Holy Trinity to be God, or shall assert or maintain that there are more Gods than one, or shall deny the Christian religion to be true, or shall deny the Holy Scriptures of the Old and New Testament to be of divine authority, and is convicted, he shall for the first offence be adjudged incapable to hold any public office and employments, and on the second shall lose his civil rights and be imprisoned for three years." 1.

The loss of civil rights meant being deprived of the power of suing or prosecuting in any Law Court, of being guardian or executor, and of receiving any legacy or deed of gift. Added to this liability there was a danger of prosecution under the Common Law. In a judgment given in 1676, Lord Chief Justice Hale had laid it down that it was an offence against the laws and the State either to blaspheme or to speak against Christianity, for Christianity was 'parcel of the laws of England'. 2.

Further discomfiture arose from the fact that the Toleration Act did nothing to mitigate the harshness of the Test and Corporation Acts which adversely affected both Trinitarian and non-Trinitarian Dissenters. The Corporation Act (1661) prevented anyone from holding

1. J.B. Bury, 'A History of Freedom of Thought,' p.110.
Cf. Lecky, 'History of England in the Eighteenth Century,' Vol.I, p.311.

2. Bury, op. cit., pp. 110 et seq.

municipal office who had not received the sacrament according to the rites of the Church of England. The Test Act (1673) extended this ban to all offices of trust held under the Crown. 1.

Such then was the legal position at the beginning of the Century; for the Trinitarian Dissenters peace to pursue their own worship within prescribed limits, for the non-Trinitarians no protection, and for both formal disabilities which circumscribed their participation in public affairs. Under Anne, there was a strong but brief reaction against toleration, instigated by the Tories. The Occasional Conformity Act (1711) made it an offence for those who had taken the sacrament to attend Dissenting services. It had become a practice amongst those of tough conscience to meet the requirements of the Test and Corporation Acts by taking the sacrament before election; this Act was designed to meet this evasion of the intent of the law. The Schism Act, 1714, which was never enforced, would have taken the education of their own children out of the hands of the Dissenters.

With the Hanoverian Succession there came a happier period for Dissenters. In 1719 both the Occasional Conformity Act and the Schism Act were repealed; at the accession of George II the time of grace allowed for taking the sacramental tests required by the Test and Corporation Acts was extended from three to six months; the practice of passing Annual Indemnity Acts, which relieved from penalties those who 'through ignorance of the law, absence or unavoidable accident'

1. Dissenters were not debarred from becoming Members of Parliament.

had neglected to satisfy the requirements of the sacramental tests, began in 1727; a fund was started to provide pensions for the widows of dissenting ministers to which the Crown made an annual grant, first of £500 and later of £1,000.¹ The harsh penalties which the law could enforce were forgotten and ignored. An interesting example of the way formal requirements could be set aside is to be found in the fact that at Bridgwater a pew was erected in the Dissenters' Chapel, or 'meeting place', for the exclusive use of the Mayor and Corporation. In the words of Hume, the nation had settled

"into the most cool indifference with regard to religious matters that is to be found in any nation of the world",

and the Dissenters profited thereby. Encouraged by the growth of toleration in practice they made applications to Parliament for the

1. Price saw in this nothing but a bribe whereby Walpole sought to placate the Dissenters to whom he did not feel it expedient to extend legal protection. In his 'Memoir' Morgan writes "The base compromise into which the Dissenting ministers entered with Sir Robert Walpole in the preceding reign, when they bartered the liberties of their brethren for a pension, he (Price) always reprobated in the severest terms. This pension, represented by that great father of corruption as the royal bounty of the sovereign, proceeding from his regard to his beloved subjects the dissenters, but in reality bestowed upon them for no other motive than to induce them to desist from their application to parliament for the repeal of the Test-Act, has been continued ever since with little variation, and exists a perpetual monument of their disgrace. So deeply impressed was Mr. Price with this sentiment, that being once applied to for his vote by the late Sir Edmund Thomas, when canvassing for the county of Glamorgan, and being offered that worthy baronet's interest to procure him the disposal of this money among his brethren, he immediately replied, that the best service Sir Edmund could render to him or his brethren would be, to advise the king's ministers to discontinue a donation which could only be regarded by every independent dissenter as a price of his liberty." W. Morgan, 'Memoirs', pp. 35 - 37. 'The Works of Richard Price', Vol. I.

reform of the law. In 1732, 1734 and 1739 they tried to secure the repeal of the Test and Corporation Acts, but the apathy which allowed them toleration in practice also defeated their attempts to secure legal redress. These efforts failed and they had to remain content with the measure of practical toleration which they enjoyed. But improved though their conditions were under the Hanoverians, they were still not without some grievances. Since 1662 the Dissenters had been excluded from the Universities and had found it necessary to establish educational institutions of their own; they were subject to the tithe, and had to conform to Anglican rites in matters of marriage and burial;^{1.} in places where local religious animosities ran high they were subject to many annoyances^{2.} and petty persecutions. According to Manning,

"It was only too easy to make vexatious threats to fine people for not attending parish churches, for keeping schools, for preaching without making the necessary declarations (i.e., taking the Oaths of Allegiance and Supremacy, and subscribing the declaration against Popery at the Grand Session of the Peace) or in buildings not properly registered at the time."^{3.}

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1. Hardwicke's Marriage Act (1753) invalidated any marriage not conducted according to Anglican rites. It would appear, however, that this measure was directed not so much against Dissenters but against general lax practices, as, for example, marriages formed in the Fleet.
 2. B.L. Manning, 'The Protestant Dissenting Deputies', Cambridge, 1952. The Deputies were a body formed from the deputies of the Congregations of the three main denominations of Dissenters (Presbyterians, Independents or Congregationalists, and Baptists) within ten miles of London for pursuing the interests of Dissenters, more especially for protecting them from persecution.
 3. op. cit., p. 107. Until as late as 1838 we find instances of Welshmen fined for not attending Church.

The same author gives an interesting example of the tension that must have prevailed in certain villages. Among the records of the Protestant Dissenting Deputies there is an enquiry from a minister in Wales in 1754, which

"Lights up an immense background of envy, hatred, malice and all uncharitableness. Was it safe for him, he asked the Deputies, to speak over the grave of a person buried in the parish churchyard, even if the Vicar had consented, or would such an action provide material for a case in the spiritual courts?" 1.

Added to these grievances was the ever present fear that, should the climate of opinion change, the measure of practical toleration which they enjoyed might diminish and the law be applied with greater stringency. Any year might see a failure to secure the Annual Indemnity Act.² The most notorious example of the persecution to which the Dissenters were subject is to be found in the history of the case "Evans v. City of London". In 1748 the Common Hall, City of London, made a bye-law fining those who refused to take the offices to which they were elected. The worthies of the City then proceeded to elect Dissenters to important offices under the Corporation. The unfortunate Dissenters thus honoured were presented with the dilemma of either refusing office and thus incurring penalties under the bye-laws, or taking office and thereby exposing themselves to penalties under the Corporation Act. Many of the Dissenters preferred to pay the fines imposed by the City and in this discreditable way over £15,000 was

1. op. cit., p. 99.

2. In fact, the Acts were passed with but nine exceptions in every year of George II's reign. The Act was not passed in 1765, but with this one exception it was passed in every year from 1760 until the final repeal of the Test and Corporation Acts in 1828.

collected, and, it is said, devoted to the building of the Mansion House. In 1757 three Dissenters, Sheafe, Streatfield and Evans, refused to take office and refused to pay the fines; they were brought before the Sheriff's Court and judgment was entered against them. An appeal against this verdict heard before Lord Chief Justice Willes at the Court of St. Martins was successful, the earlier judgment being reversed. But the City did not leave the matter there; after long and due process of law the case came before the Lords in 1767. By this time the situation was not without elements of drama:- the case against Sheafe had been withdrawn as he did not come within the jurisdiction of the Sheriff's Court, Streatfield had died, and Evans was dying. It was feared that he would not live to hear the final judgment but, fortunately, he was just able to defeat the delays of the law and died happy in the knowledge that the Lords had maintained the verdict of the Court of Appeal. This case is important because it marks a definite stage in the growth of toleration, and because it elicited the famous judgment of Mansfield which did much to clarify the position of Dissenters. As Thomson observes,

"The Lords were largely influenced in their decision by the views of Mansfield, who held that bare dissent was only a statutory, not a Common Law, crime; now those Dissenters who had qualified themselves to obtain the benefits of the Toleration Act were exempt from the statutory penalties for nonconformity; on the other hand, the Corporation Act made Dissenters incapable of holding municipal office unless they were occasional conformists; those who were not occasional conformists could not be finable for not accepting such offices, since a mere omission to qualify themselves by taking the sacramental test was not illegal." 1.

1. M.A. Thomson, 'A Constitutional History of England', (1642-1801), London (1938), p. 407.

In giving judgment Mansfield said,

"It is now no crime for a man to say that he is a Dissenter; nor is it any crime for him not to take the sacrament according to the rites of the Church of England; nay, the crime is if he does it contrary to the dictates of his conscience....

It hath been said, that this being a matter between God and a man's own conscience, it cannot come under the cognisance of a jury. But certainly it may: and though God alone is the absolute judge of a man's religious profession, and of his conscience, yet there are some marks even of sincerity; among which none is more certain than consistency. Surely a man's sincerity may be judged of by his overt acts. It is a just and excellent maxim, which will hold good in this as in all other cases, 'By their fruits ye shall know them'. Do they - I do not say go to the meeting now and then - but do they frequent the meeting house? Do they join generally and statedly in divine worship with Dissenting congregations? Whether they do or not, may be ascertained by their neighbours, and by those who frequent the same places of worship. In case a man hath occasionally conformed for the sake of places of trust and profit, in that case, I imagine, a jury would not hesitate on the verdict

The defendant in the present cause pleads that he is a Dissenter within the description of the Toleration Act; that he hath not taken the sacrament of the Church of England within one year preceding the time of his supposed election, nor even in his whole life, and that he cannot in conscience do it.

"Conscience is not controllable by human laws, not amenable to human tribunals. Persecution, or attempts to force conscience will never produce conviction, and are only calculated to make hypocrites, or martyrs. My lords, there never was a single instance from the Saxon times down to our own, in which a man was ever punished for erroneous opinions concerning rites or modes of worship, but upon some positive law. The common law of England, which is only common reason or usage, knows of no presecution for mere opinions. For atheism, blasphemy, and reviling the Christian religion, there have been instances of persons prosecuted and punished upon the common law; but bare nonconformity is no sin by common law; and all positive laws inflicting any pains or penalties for nonconformity to the established rites and modes are repealed by the Act of Toleration and Dissenters are thereby exempted from all ecclesiastical censures. What bloodshed and confusion have been occasioned from the reign of Henry the Fourth, when the first penal statutes were enacted, down to the Revolution in this kingdom, by laws made to force conscience. There is certainly nothing more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic, than persecution. It is against natural religion, revealed religion, and sound policy." 1.

This judgment clearly established freedom of worship for the Dissenters who came within the scope and protection of the Toleration Act. They could no longer be persecuted or subjected to the harassments of the kind imposed by the City of London. Mere nonconformity was now no offence. It is not, however, clear how those Dissenters who did not come within the scope of the Toleration Act, the Anti-Trinitarian Dissenters, were affected. At first glance it might seem that they too now enjoyed freedom of conscience and freedom of opinion, but it will be noticed that Mansfield's discussion of conscience turns within the limits of the Toleration Act. The implication is that atheism is not an affair of conscience, and that those who denied the doctrine of the Trinity still remained without protection. Furthermore, Mansfield's judgment was not considered to be good law in all quarters. Blackstone, for example, still regarded nonconformity as an offence; in the 'Commentaries' he writes,

"Another species of offences against religion are those which affect the Established Church. And these are either positive, or negative; positive, by reviling its ordinances; or negative, by non-conformity to its worship." 1.

This passage aroused Philip Furneaux to complain that Blackstone had failed to take cognisance of Mansfield's judgments.

1. Blackstone, 'Commentaries to the Laws of England', (Kerr's Edition, London, 1876), Vol. IV, p. 39.

The ensuing controversy moved Blackstone to add an amendment in a later edition to the effect that nonconformity was not a crime whenever the conditions which excused it were fulfilled; but he still insisted that this fact was not sufficient ground for Burneaux's claim that, consequent to Mansfield's judgment, the crime of nonconformity had been "universally abrogated". Technically, under the provisions of the Toleration Act, nonconformity was still in essence illegal. But if Blackstone's exposition remained the more correct,^{1.} it failed to do justice to Mansfield's approach to the problem, and it failed to reflect the practical attitude, the 'common usage', of the time towards toleration.

At the bar of sound policy, persecution had been condemned. This was the judgment of the times. Despite the prevalence of much petty persecution and some studied malice, it can safely be said that on the whole the Dissenters were left in peace, a peace in which they grew more secure as the century grew old. Generally it was thought to be the better part of wisdom to practise toleration even beyond the letter of the law, and feeling more and more secure against persecution the Dissenters looked forward to the time when the law would admit what the practice of the community tacitly acknowledged, and when they would be rid of their remaining disabilities. Although Mansfield's interpretation of their legal position excused Dissenters from taking office where they did not wish to do so on grounds of conscience, it

1. Vide: W.S. Holdsworth, "A History of English Law", Vol. XII, p. 714 et seq.

in no way removed the disabilities of those who wished to do so, nor did it remove the threat of penalties from those who did take office without satisfying the requirements of the sacramental tests; nor did it do anything to improve the position of those who fell outside the protection of the Toleration Act. Much remained to be done.

If sound policy defended the Dissenters against persecution it also proved to be the most formidable barrier against their securing formal relief from their civil disabilities. Practical common sense could forgive them their deviation from the canons of strict orthodoxy, and could ignore their failure to meet certain legal requirements, but it was not prepared either to reform the law or to admit openly what it tacitly acknowledged. It was felt that sound policy required the preservation of the settlement set forth in the Toleration Act, illogical though it was, and that the interests of the nation were best served by retaining the establishment of the Anglican Church and by formally requiring all those who held important public offices to subscribe to the official doctrine. However lax observance might be, expediency required the shows of formality. This attitude characterises the opposition to reform throughout the Century. It illumines the intransigence of Walpole. It underlies Lord North's assertion that,

"Every person is allowed to go to Heaven his own way. The only restraint laid upon us is that we create no public disturbance". 1.

1. Hansard, (1772), Vol. XVII, p. 273. Vide: A. Lincoln, 'English Dissent', (1763-1800), Cambridge, 1938, p. 207.

It provided Pitt with the 'reasons of State' with which he met all the pleas and arguments of Dissent, and it moved Burke to claim, in opposition to the Clerical Petitions of 1771, that there should be a "general standard which obtains throughout the whole community",

"I would have a system of religious laws that would remain fixed and permanent, like our civil constitution, and that would preserve the body ecclesiastical from tyranny and despotism, as much at least as our code of common and statute law does the people in general: for I am convinced that the liberty of conscience, contended for by the petitioners, would be the forerunner of religious slavery." 1.

Freedom from persecution and freedom to worship according to the light of one's conscience were generally admitted, but a great gulf divided this issue from that of the equal admission of all to full civil rights whatever their religious convictions might be. Although it was agreed that the State had no right to require a person to entertain prescribed beliefs, it was maintained that the State had a right to debar from full civil rights and from participation in public affairs those who did not share orthodox views. To establish themselves, therefore, the Dissenters had to establish not only their freedom to believe, but also their freedom to participate in government; in order to do this they had to show not only that the magistrate has no right to require certain convictions of all citizens, but also that he should not make the profession of religious convictions the condition of civil privileges; they had to show that civil rights attached equally to all citizens

1. Hansard (1772), Vol. XVII, 288, Vide: Lincoln, op. cit. p. 208.

whatever their religious convictions, to Christians and non-Christians, Trinitarians and non-Trinitarians alike. But in this they failed to persuade the majority opinion of their time;^{1.} considerations of public utility defeated them, but their attempts were not without significance and not without consequence, for in the struggle to emancipate themselves they made contributions to the development of a radical theory of social and political relationships which, if not immediately successful, was to have increasing influence in the following century.

In their struggles the Dissenters turned for inspiration to the writings of John Locke; in particular to the "First Letter Concerning Toleration".^{2.} The crux of his treatment of the problem of toleration was the attempt to dissociate the spheres of Church and State. The Commonwealth, which existed for limited secular purposes, was a society of men,

"constituted only for the procuring, preserving, and advancing their own civil interests."^{3.}

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- ^{1739,} 1. Unsuccessful attempts to secure the repeal of the Test and Corporation Acts were made in 1732, 1734, [^]1787, 1789 and 1790. Unsuccessful attempts to extend the application of the Toleration Act were made in 1772 and 1773, following the unsuccessful Clerical Petitions of 1771. The situation was improved by the Dissenters' Relief Bill passed in 1779 (19 Geo. III c 44) which stipulated that "Hence forth Dissenting Ministers and teachers were merely required to take the oaths of allegiance and supremacy and to subscribe a declaration that they were Holy Christians and accepted Holy Scripture as the rule of their doctrine and practice."
Vide: Traill and Mann, "Social England", Vol. V, p. 550.
2. op. cit., contained in J.W. Gough, edition "The Second Treatise of Civil Government and a Letter Concerning Toleration", Oxford, 1946.
3. Ibid., p. 126.

These interests, the public good which it is the function of society to promote, are restricted to

"life, liberty, health and indolency of body: and the possession of outward things, such as money, lands, houses, furniture, and the like." 1.

Now the means available to the magistrate are as strictly limited as the ends which he promotes. They consist only in the use of outward force. In the work of the Church, whose concern is the spiritual welfare of the community, the use of this force is ineffective because the rigour of laws and the force of penalties cannot compel conviction, and even if they could they would be of no avail for true religion consists only in the 'inward and full persuasion of the mind'. The magistrate should, therefore, have no part to play in the salvation and care of souls. On the basis of this distinction of the ends and means of the Church and the Commonwealth - the Commonwealth being confined to the use of force in the pursuit of public interests, and the Church being concerned with spiritual welfare in which the use of force has no part to play - Locke claims that the spheres of Church and Commonwealth fall apart,

"The Church itself is a thing absolutely separate and distinct from the Commonwealth." 2.

As far as he can Locke emphasises this dissociation, although he finds that he cannot make it complete. He is led to admit - and the admission caused the Dissenters much discomfort -

1. Ibid.

2. Ibid., p. 135.

that there are instances where the interests of the State conflict with those of the Church and with the promptings of individual conscience. In such cases, Locke's solution is to subordinate all the temporal interests of the Church to the qualifying power of the State, in return for which the Church receives independence in matters spiritual,

"It is easy to understand to what end the legislative power ought to be directed, and by what measures regulated; and that is the temporal good and outward prosperity of the society; which is the sole reason of men's entering into society, and the only thing they seek and aim at in it. And it is also evident what liberty remains to men in reference to their eternal salvation, and that is, that every one should do what he in his conscience is persuaded to be acceptable to the Almighty, on whose good pleasure and acceptance depends their eternal happiness. For obedience is due, in the first place, to God, and afterwards to the laws." 1.

Although the Church needs to regulate its activities and can expel those who "continue obstinately to offend against her laws", her powers must not include the disposal of anything relating to the possession of civil and worldly goods, and she must not use force upon any occasion whatsoever. Although he needs to keep his eye fixed on the public good, the magistrate must not normally intrude upon religious and spiritual matters. Whatever is lawful within the Commonwealth cannot be prohibited in the Church; the magistrate cannot enforce the observance of rites of worship, neither can he forbid their practice, except where they violate the laws of the Commonwealth, (as in the case of infant sacrifice); he cannot impose speculative opinions or articles of faith, neither can he forbid them, except where their dissemination endangers the security of

1. Ibid., p. 153.

the Commonwealth. The examples which Locke gives of the instances in which the magistrate should intervene illustrate the dangers he most feared and the difficulty which he found in isolating the Church and the enjoyment of freedom of conscience from the qualifying powers of the State. The magistrate should not tolerate "opinions contrary to human society, or to those moral rules which are necessary to the preservation of society"; ¹ he should not tolerate those who hold that faith is not to be kept with heretics, that kings excommunicated forfeit their crowns, that all dominion is founded in grace, nor those who would deliver themselves "up to the protection and service of another Prince". Neither should the magistrate tolerate those who,

"attribute unto the faithful, religious, and orthodox, that is, in plain terms, unto themselves, any peculiar privilege or power above other mortals, in civil concerns; or who upon pretence of religion do challenge any manner of authority over such as are not associated with them in their ecclesiastical communion, I say these have no right to be tolerated by the magistrate; as neither those that will not own and teach the duty of tolerating all men in matters of mere religion. For what do all these and the like doctrines signify, but that they may, and are ready upon any occasion to seize the government, and possess themselves of the estates and fortunes of their fellow subjects; and that they only ask leave to be tolerated by the magistrate so long until they find themselves strong enough to effect it?" ²

Further, the magistrate should not tolerate those who deny the existence of God, for,

"Promises, covenants and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all." ³

1. Ibid., p. 154.
 2. Ibid., p. 155.
 3. Ibid., p. 156.

These are the limits which Locke would have placed upon the freedom of the Church and the freedom of the individual conscience. As can be seen, he advocated a much greater measure of toleration than the law in the Eighteenth Century defined. Indeed he had been disappointed with the Toleration Act and would have preferred comprehension which he defined in a letter to Limborch as,

"a wide expansion of the Church so as, by abolishing a number of noxious ceremonies to induce a great many Dissenters to conform." 1.

But, in effect, he was not arguing for complete freedom of conscience; it would be more correct to say that he was arguing for freedom of conscience for those to whom his Latitudinarian scheme of comprehension was acceptable, and whose consciences would not take them beyond the bounds which Locke assumed to be necessary for national safety and for the maintenance of the moral code and public peace. Such was the climate of opinion which he addressed that the limits which he devised seemed consistent with the claims of reasonable men, and thus it appeared that he was arguing for the complete absence of restraints upon freedom of rational conscience. The inconsistency of maintaining a dissociation of spiritual and secular matters on the one hand, and the right of the magistrate to intervene on speculative grounds on the other, of claiming an absolute right to act in accordance with the dictates of conscience, yet maintaining that Roman Catholics and atheists could be excluded, did not appear

1. Letter to Limborch, dated 12.3.1689.

Vide: Fox Bourne, 'Life of John Locke', Vol. II, p. 150.

so flagrant until that climate of opinion had passed away. Yet there are indications that Locke was troubled as to the best way of formulating the rights of conscience; his account is not without inconsistencies. The Preface to the Letter asserts,

"Absolute Liberty, Just and True Liberty, Equal and Impartial Liberty is the thing we stand in need of." 1.

Although this Preface has been attributed to William Popple, the translator of Locke's letter into English, with the suggestion that Popple, being a Unitarian, introduced elements more radical than Locke would have acceded to, the concept of absolute freedom is, nevertheless, implicit in the demand for the complete dissociation of Church from State.

Sometimes Locke implies that the conscience of the individual does not conflict with the interests of the State, and thus that there is no danger of the rational and conscientious individual being coerced by the rational and conscientious magistrate - this was a theme upon which the rationalists were to enlarge. At other times he admits that conflicts do occur and then he alternates between placing the interest of the State as the test for the circumscription of the individual conscience, and claiming that the individual owes undiminished allegiance to his own conscience. These conflicting tendencies can be seen where he deals explicitly with the problem of conflict. At first, he claims that in practice, given good faith on the part of the magistrate, conflicts are not

1. *op. cit.*, Preface, p. 122. Vide: M. Cranston, 'The Listener', Vol. LII, No. 1340 - 4.11.54.

likely to occur,

"But some may ask, What if the magistrate should enjoin anything by his authority that appears unlawful to the conscience of a private person? I answer, that if government be faithfully administered, and the counsels of the magistrates be indeed directed to the public good, this will seldom happen." 1.

If, however, conflict does occur, the individual is bidden to observe passive obedience,

"Such a private person is to abstain from the action that he judges unlawful, and he is to undergo the punishment which it is not unlawful for him to bear. For the private judgment of any person concerning a law enacted in political matters, for the public good, does not take away the obligation of that law, nor deserve a dispensation." 2.

Yet although Locke advocates this kind of acceptance, and derives its sanction from the right of the magistrate to qualify the claims of conscience in certain contingencies, he does not do so upon any basis which provides a universal sanction for the magistrate to override the conscience of the individual; he admits that conflicts may occur in which the magistrate is wrong and in which the subject is justified in rejecting his claims - the final appeal may be to God,

"But what if the magistrate believes that he has a right to make such laws, and that they are for the public good? and his subjects believe the contrary? Who shall judge between them? I answer, God alone." 3.

1. Ibid., p. 153.

2. Ibid.

3. Ibid., p. 154.

There was much in the 'letters Concerning Toleration' to inspire the Dissenters. They welcomed the distinction and dissociation of spiritual and secular matters and the tendency to Disestablishment which this dissociation implied. They also welcomed the claim that the magistrate has no concern in religious matters and that there is no legitimate use for coercion in spiritual things. They agreed that the ends of the Commonwealth are entirely secular in character, and they agreed that moral obligations are founded in reason, and, though in accord with, are not exclusively grounded in Christian revelation.

But much of the joy diminished at the thought that the civil magistrate could interfere with the full enjoyment of freedom of conscience where the interests of society were at stake. They were only too well aware how considerations of public interest had militated against their admission to full civil rights. It was this feature of his defence of toleration which they most strenuously sought to revise. Their reluctance to place any trust in the discretionary powers of the magistrate led them to minimise the need for his intervention and to emphasise the more radical elements of Locke's position. They stressed the dissociation of the Church from the State and reasserted the claim that the foundations of the State are secular in character. They also denied that the magistrate has a right to require professions of faith, to exclude from civil protection those who do not subscribe to orthodox creeds, and to

attach penalties to the failure to adhere to official doctrine. They extended the demand that the individual should not be disturbed in his spiritual vocations to the claim that no one should be denied full participation in civil and political affairs on account of his religious beliefs. But they went further than this: they claimed that each individual has a right to freedom of conscience not only in religious matters but in all matters. The right of the individual to abide by his own conceptions was extended from its origin in spiritual concerns and applied to civil and political matters.

The problem that faced the advocates of this interpretation of the claims of conscience was to demonstrate the feasibility of allowing freedom of conscience to each one. The Dissenters had to show how it could be the case that each one could enjoy the right to abide by his own moral judgment. They rested their case on the following assumptions. Firstly, they maintained that there is no conflict between conscientious men as to what the claims of conscience are. Of each individual it is true that in striving to fulfil his own conceptions of the demands of duty, he does not prevent another from doing likewise. This compatibility is grounded in the fact that there is common agreement as to the nature of moral requirements, such common agreement, in turn, being grounded in the fact that each individual has an incorrigible apprehension of the demands of an objective moral order. The moral law so regulates men's activities that in obeying the dictates of his conscience, each man commits

himself to a course of action, the realisation of which is compatible with the moral achievements of others.

In interpreting the claim that there is no conflict in the demands of conscience, it is important to note that it does not require the further claim that the moral law harmonises all men's activities and eliminates all forms of interpersonal conflict. Such a conclusion would only follow if it were also maintained that all our decisions should be completely determined by moral considerations. If, however, it is claimed that moral considerations regulate but do not completely determine our decisions, and that there are some decisions in respect of which there are alternatives which are morally indifferent, it follows that the view that there is complete harmony and agreement on moral issues does not exclude the possibility that there is a range of non-moral issues concerning which there is no agreement and no such harmony. This distinction is of great importance in applying the concept of the general will, which it is important to distinguish as (a) a general consensus on moral issues, and (b) a general consensus on all issues. It will be seen that the moral principle which might lead us to claim that all issues are moral issues is the principle of benevolence. If it is held that of any two actions we might perform one will always be attended by consequences which are more morally desirable than the other, and that it is obligatory to prefer that which is attended by such consequences, then all decisions will be moral decisions.

The second assumption upon which the feasibility of conscience was rested is that those matters of speculation upon which there is no common consensus of agreement are essentially private matters. Freedom of belief is feasible because those questions which admit of difference of opinion are of concern to the individual alone. It follows, therefore, that in all matters of religious speculation such differences of opinion are of no practical relevance. No doctrine for which a man finds private inspiration brings him into conflict with his own practical conscience or with the practical conscience of others.

Richard Price stood for absolute freedom of conscience; so emphatically did he believe that freedom of worship should be enjoyed unconditionally that he was loth to discuss the problem in terms of toleration, as the formulation of the right to worship in such terms implies that the freedom should be enjoyed as a concession. It would, he claimed, be misleading to think of it in this way, as it is a right which no State could ever be justified in withholding. For this reason when the Dissenters' Relief Bill 1. came before Parliament in 1779 - a measure which substituted for subscription to the Thirty Nine Articles a simple declaration of Christianity, Protestantism and the acceptance of the Scriptures - Price, although he acknowledged that the requirement was one to which Dissenters could subscribe, counselled that the proposal should

1. See Above, fn. to p. 25.

be rejected. If the Dissenters accepted the measure they would be conceding what by implication they should completely deny, namely, that the magistrate had a right to interfere in matters of religious conviction. 1.

Although he was continually and impatiently stressing the need for reform, he realised, as did many contemporary Dissenters, that as an unorthodox party their position compared favourably with that of the unorthodox under other regimes. His impatience did not blind him to the fact that in practice they enjoyed a considerable measure of toleration and that in principle, if not legally, the right of each one to worship in the way he thought fit was conceded. In a Sermon preached at Newington Green on November 29th, 1759, he speaks in eulogistic terms of the benefits enjoyed by Englishmen, and reserves his highest praise for the measure of religious liberty which they enjoy,

"Our rights and properties are, in general, secured to us beyond the possibility of violation. Every man among us can enjoy the fruits of his industry without restraint or disturbance. We can have no burdens laid upon us without our own consent, and the laws by which we are governed are not such as a senseless tyrant may please to appoint, but such as we ourselves by our representatives concur in making. The meanest of our fellow-subjects cannot have the least injury done him without being able to find redress. No life can be taken away, or any punishment inflicted on any one, without a fair and equitable trial. The King himself has not power to touch the person, to seize any part of the property, or to make the smallest infringement on the liberty, of any one man in his dominions. But our Religious Liberty is the crown of all our national advantages..... The Principles of Liberty have been thoroughly explained and are now generally understood and embraced among us. We well know that Christ is the only Law-giver of

1. W. Turner, 'Lives of the Eminent Unitarians', Vol. II, p. 409.

'Christians, that there can be no such thing as human authority in religious matters, and that the office of Magistrate is not to interpose in any religious differences, but to keep the peace, to secure the civil rights of men, and to protect and encourage all good subjects of all sects and persuasions. In this nation every one may judge for himself, and act agreeably to his judgment, without molestation or fear. A free and public discussion is allowed of all points, even such as in other nations it would be imprisonment or death to discover any doubts about. All Sects enjoy the benefits of toleration, and may worship God in whatever way they think most acceptable to him; and nothing exposes any person to civil penalties or censures, but overt acts inconsistent with the peace and security of society. The researches of learned men among us have been pushed farther than ever they were in any nation. An absolute and unbounded scope is given to enquiries of all kinds; and the consequence of this has been, that the greatest improvements have been made in all the sciences, and that we are now become the Fountain-head of knowledge, and the Instructors of the world.' 1.

This seems to be highly enthusiastic language for a reformer and one conscious of grievances, but Price is not without criticism; when he comes to speak of the way in which this happiness may be improved, he notes that the letter of the law falls below the general standard of public observance, and urges that existing institutions be modified to express more fully the spirit of liberty,

"In our constitution, both civil and ecclesiastical, there are many particulars, which greatly want amendment, and some of which are inconsistent with that liberty, which is the chief subject of our boast and triumph, and really a scandal to a great and wise people." 2.

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1. 'Britain's Happiness and the Proper Improvement of It', pp. 7 et seq. 'The Works of Richard Price', Vol. IX.
 2. This Sermon was reprinted in 1791 in pamphlet form by 'A British Manufacturer'. The editor took care to remove the suggested amendments, and the revised version then read as a defence of the 'status quo' with a pious exhortation to support the national institutions without reserve. It is significant that Price's views at this period needed little amendment for the purpose, there being little evidence in his earlier writings in defence of freedom of worship of radical or revolutionary solutions for civil wrongs. Ibid. p. 18.

He denies the need for an Established Church. No attempt should be made to impose a particular religious settlement upon the community, or to require uniform observance in doctrinal or in ceremonial matters. No penalties, either direct or indirect, should attach to the profession of particular religious beliefs or to the membership of particular sects. The State should neither discriminate in favour of one particular body of opinion nor incline its support to one denomination rather than to another. In a later Sermon, entitled 'The Evidence for a future Period of Improvement in the State of Mankind, with the means and duty of Promoting It', he restates this disavowal of the need for a national institution, and, in doing so, he dissociates himself from those of his fellow Dissenters who sought the revision of the National Establishment,

"I will take this opportunity to add, that there is a difference of opinion among dissenters on the subject of civil establishments of religion; some approving them in general, and only disliking that particular form of religion which happens to be established in this country; while others object to all such establishments, and think, as I do, that they encroach on the rights of conscience, obstruct the progress of truth, engender strife and animosity, and turn religion into a trade. The former sort of Dissenters must wish to see their own religion substituted for that which is established; but the latter dread such a substitution, and can have no other wish than to see all unjust preferences on account of modes of faith and worship abolished, and all honest and peaceable citizens equally protected and encouraged." 1.

1. 'The Evidence for a future Period of Improvement in the State of Mankind, with the means and duty of Promoting It', delivered on 25th April, 1787; ('The Works of Richard Price', Vol. X) p. 39, fn.

He continually insists that the determination of religious beliefs is not the concern of the State; rather than propagate one doctrine, the magistrate should permit dissemination of different doctrines and allow the different sects to practise and to preach what seems to them to be the most acceptable; we should always strive, he claims, to gain

"an open field for discussion, by excluding from it the interposition of civil power, except to keep the peace; by separating religion from civil policy; and emancipating the human mind from the chains of church authority, and church establishments." 1.

The most that could be allowed to the magistrate is the power to create,

"an equal support of religion in general, by requiring a contribution for that purpose, payable by every citizen, but with liberty to apply it to the support of that worship he likes best." 2.

Price follows Locke in maintaining that the magistrate has rights to intervene where the peace and safety of the community are threatened, but, in doing so, he lays greater emphasis on the dissociation of speculative opinion from the discharge of civil

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1. 'The Evidence for a future Period of Improvement in the State of Mankind, with the means and duty of Promoting It', delivered on 25th April, 1787; ('The Works of Richard Price', Vol. X) p. 32.
 2. *ibid.*, Appendix, fn. to p. 19.

obligations. The good citizen is not likely to be carried away from his allegiance to the interests of his community by his doctrinal professions. In his zeal to prove that Dissenters should be considered ■ worthy citizens and good patriots, he claims that the same benefits should be accorded to all, even to Roman Catholics. As we have seen Locke limited his toleration to those whose spiritual allegiance was not such as to endanger their loyalty to the Crown; it was clear that he feared a resuscitation of Jacobitism; by Price's day these fears had passed, and in a letter which he subscribed to a "Collection Addressed to the Volunteers in Ireland on the subject of Parliamentary Reform", he writes,

"I am so much an enemy to persecution that I cannot help wishing that the right of voting could be extended to Papists who possess property in common with Protestants. It is unjust to deprive any man of his Rights on account of his religion, unless self-defence makes it absolutely necessary. The danger from Papists is perhaps more produced by Penal Laws against them, than by their religion. These detach them from the rest of the community, give them a separate interest, and make them enemies. Why should not a Papist be attached to the liberties of his country as well as a Protestant, if he be allowed to share in them. In truth a country which allows him no rights, he cannot reckon his country. It is nothing to him whether it is enslaved or free, nor can he care what becomes of it." 1.

1. Letter dated from Brighthelmstone, 7th August, 1783.
"Collection of Letters addressed to the Volunteers in Ireland, etc."
pp. 83 et seq.

There is, he claims, no monopoly of truth in religious matters. Finality and infallibility are things to which we cannot pretend and all claims to such are found upon inspection to be unwarrantable. Therefore no attempt should be made to inculcate beliefs as though they were unquestionably true; rather than encourage the uncritical acceptance of doctrines we should stimulate enquiry, and encourage others to subject all claims to spiritual knowledge and spiritual wisdom to the tests of reason. Credulity should give way to candour. In this way Price reinforces his plea for free worship with a plea for the freedom to investigate,

"Nothing, surely, can be more dismal than for men to have their minds thus shackled, to be oblig'd to receive without examination the decisions of ignorant pretenders to spiritual authority, or to be deprived of a liberty which is the very last thing a wise man would consent to part with, I mean, that of worshipping God according to his conscience, and of professing those principles of religion which he thinks, come nearest to the simplicity of the Gospel." 1.

In the 'Review', Price's main argument for freedom of conscience is based upon his interpretation of the claims of duty. It may be represented briefly as follows: Every man is morally bound to do what he himself believes he ought to do; therefore he should be allowed to do what he believes he ought to do.

1. 'Britain's Happiness and the Proper Improvement of It', p. 8.

Every man is morally bound to follow the line of conduct which his conscience informs him is in accordance with God's purpose; therefore society should guarantee the enjoyment of the right to act in accordance with conscience. To clarify this contention Price elaborates a distinction between "abstract" and "practical" virtue, which corresponds to the modern distinction between the "objectively right" and the "subjectively right" act,

"Abstract virtue is, most properly, a quality of the external action or event. It denotes what an action is, considered independently of the sense of the agent; or what, in itself and absolutely, it is right such an agent, in such circumstances, should do; and what, if he judged truly, he would judge he ought to do.----- Practical virtue, on the contrary, has a necessary relation to, and dependence upon, the opinion of the agent concerning his actions. It signifies what he ought to do, upon supposition of his having such and such sentiments. ----- In a sense, not entirely different from this, good actions have been by some divided into such as are materially good, and such as are formally so. ---- Moral agents are liable to mistake the circumstances they are in, and, consequently, to form erroneous judgments concerning their own obligations. This supposes that these obligations have a real existence, independent of their judgments. But, when they are in any manner mistaken, it is not to be imagined, that then nothing remains obligatory; for there is a sense in which it may be said, that what any being, in the sincerity of his heart, thinks he ought to do, he indeed ought to do, and would be justly blameable if he omitted to do, though contradictory to what, in the former sense, is his duty. It would be trifling to object to this, that it implies, that an action may, at the same time, be both right and wrong; for it implies this only, as the rightness and wrongness of actions are considered in different views." 1.

Now, whereas we may never know with certainty in any situation what action is absolutely or objectively right, we can

1. 'Review', pp. 177, 178.

always know with certainty what action is subjectively or practically right. Objective rectitude "requires the greatest variety of circumstances to be taken into consideration, and is no more possible to be by us universally and unerringly determined, than the whole truth on any other subject",^{1.} but we can always determine subjective rectitude by consulting our own sentiments or opinions.^{2.} Having made this distinction between absolute and practical rectitude, Price then lays it down that we are always bound by the latter,

"Our rule is to follow our consciences steadily and faithfully, after we have taken care to inform them in the best manner we can It is truly and absolutely right, that a being should do what the reason of his mind, though perhaps unhappily misinformed, requires of him; or what, according to his best judgment, he is persuaded to be the will of God. If he neglects this, he becomes necessarily and justly the object of his own dislike, and forfeits all pretensions to integrity." 3.

To this passage he appends the following lengthy footnote which illustrates his application of this main principle,

"How absurd then are all claims to dominion over conscience? Such a dominion is little to the purpose of those who have pleaded for it, if it does not mean a power or right to oblige persons to act against their private judgment, that is, a right to oblige persons to do wrong. Every man ought to be left to follow his conscience because then only he acts virtuously. Where the plea

1. 'Review', p. 179.

2. By 'sentiments' Price means 'opinions' not 'feelings'.

3. 'Review', pp. 179, 180.

"of conscience is real, (and who but the searcher of hearts can judge how far in general it is or is not so?) it is wicked to lay restraints upon it. For it is violating the rights of what is above all things sacred, attempting to make hypocrites and knaves of men, and establishing human authority on the ruins of divine.----- All that can ever be right, is necessary self-defence, when the consciences of men lead them to hurt others, to take away their liberty, or to subvert the publick.----- It is no less a contradiction to common sense, than it is impiety, for any men to pretend to a power to oblige their fellow men to worship God in any manner different from that which is most agreeable to their consciences; that is, in any way but that in which alone it is acceptable and right in them to do it. ---- The civil magistrate goes out of his province, when he interposes in religious differences. His office is only to secure the liberties and properties of those under his jurisdiction; to protect all good subjects; to preserve the peace among contending sects, and to hinder them from encroaching on one another.

I hope I shall be excused, if I take this opportunity to add, that we have not much less than demonstration, that God will not and cannot grant, to any particular men or set of men, a power to direct the faith and practices of others in religious matters, without making them, at the same time, infallible and impeccable. For in what, otherwise, must such a grant issue? What would it be, but a grant of power to mislead and deceive? What errors, what corruptions, what desolation do we know have been actually produced by the pretence to it without these qualifications? It is a part of the peculiar happiness of this nation, that principles of this kind have been so well explained, and are now so much received in it. May they be still more received, and better understood; and our constitution and laws, already the best in the world, grow to a perfect conformity to them. May the number of those who are for giving up their liberty and independency, and submitting to human authority in religious matters, be continually decreasing; and the joyful time soon come, when all slavish principles shall be universally contemned and detested." 1.

It will be noticed that Price seeks to establish the general principle of the right to freedom of conscience on the claim that everyone has the right to do what he thinks he ought to do. Let us consider this in the following form:- "Whenever I think that I ought to do action x, then I ought to be allowed

1. 'Review', pp. 180, 181.

to do action x". Now if this proposition was true, the following proposition would also be true:- "Whenever I think that I ought to do action x, then B, C, D, ... should allow me to do action x." But supposing that in those circumstances in which I think that I ought to do action x, B, C, D, ... think that they should prevent my doing action x, would it still be the case that they should allow me to do action x? Obviously not, for if we argue from the premiss that every man ought to do what he thinks he ought to do, then in such circumstances, B, C, D, ... should prevent my doing action x. 'A fortiori' my obligation to do what I think I ought to do is not, in such circumstances, accompanied by the right as against B, C, D, ... to do that action.

Thus, if we can say that there are some circumstances in which B, C, D, ... do not think that they should allow me to do what I think I ought to do, then we can deny the validity of the claim that a duty to do an action is always accompanied by the right to do that action; it may be the case that thinking an action to be one's duty, and, consequently, having a duty to do that action, is not accompanied by a right as against others to do that action. This seems an odd conclusion to draw, but this oddity can be explained away by noting that in the case which we are discussing we are combining the subjective notion of duty with an interpersonal interpretation of the nature of rights. Whereas duty is being determined by reference to one and only one person's thoughts about

the situation, rights are being determined by reference to more than one person's thoughts about that situation; that is, in order to determine that I have a duty to do action x, we only need to find out whether I think that I have a duty to do it, whereas in order to determine whether I have a right as against others to do that action, this condition alone is not sufficient, for in order that it may be the case that I have a right as against others to do action x, it must be the case not just that I think that I ought to do action x, but also that B, C, D, ... do not think that they have a duty to prevent my doing that action.

What then destroys the validity of the proposition "Whenever I think that I ought to do action x, then I ought to be allowed to do action x" is the possibility that in any given situation in which I think that I ought to do action x, B, C, D, ... might think that they ought not to allow me to do that action. Rights against others will not arise where people so formulate their moral obligations that the conceptions of some are incompatible with the conceptions of others. My thinking action x to be my duty will not be accompanied by a right as against B to do that action, where B thinks either that he has an obligation to prevent my doing action x, or where he thinks that he has an obligation to do action y the performance of which is incompatible with my performance of action x.

Two points need to be noted to prevent misunderstandings. Firstly, in saying that I may not have a right as against others to do what I think I ought to do, we do not diminish the obligation which I have to do what I think I ought to do. For, if notwithstanding the fact that others do not think that I should be allowed to do what I think I ought to do, I still think that I should do what I think I ought to do, then I ought to do what I think I ought to do. Of course, it may often be the case that when we find that others do not agree with us as to what we ought to do, on considering the reasons which they give for thinking that they should not allow us to do what we think we ought to do, and on considering the fact that they do disagree with us (for the mere fact of disagreement can sometimes modify our conceptions), we are led to modify our conceptions of what we ought to do. These considerations, however, only concern the determination of our obligations; in no way do they affect our obligation to do what after consideration we think to be our duty. Secondly, in saying that a duty to do an action is only accompanied by the relevant right as against others to do that action where others do not think that they should not allow us to do that action, we are not saying that a right against others only arises where others are in agreement with us as to what ought to be done. My right as against B, C, D, ... to do action x exists where B, C, D, ... think that they should allow me to do action x, but it need not

also be the case that B, C, D, ... think that I ought to do action x. For it is possible that they may think that they ought to allow me to do action x, (a) where they do not think that I ought to do action x, and, even, (b) where they think that I ought not to do action x. That is, we may have a duty to allow others to do actions where we do not think that they have moral obligations to do those actions, and even where we think that they are morally obliged not to do them. These considerations enable us to see what conditions must be satisfied if my duty to do an action is to be accompanied by my having the right against others to do that action, namely, that others must not see themselves morally obliged to prevent me from doing that action, and they must see themselves as morally obliged to allow me to do that action. B's conception of his moral obligations must be consistent with my conception of my moral obligations, and his performance of what he takes to be his duties must be compatible with my performance of what I take to be my duties. If we postulate that in any moral context everyone has a right against others to do what he thinks he ought to do, then we must assume that in that context no one ever thinks it to be his duty not to allow another to do what he (i.e. the other) thinks to be his duty. This assumption will in fact be met where everyone is agreed as to what ought to be done in any situation, but it

will also be met where everyone's conceptions of their moral obligations are compatible. Although this latter condition does not necessarily require the former, it is difficult to see how we could constantly maintain that all moral conceptions are compatible unless there is agreement as to what ought to be done. Now there is a tendency in Price's thought to claim that there is complete agreement as to what ought to be done, and that such agreement is founded on certain knowledge of incorrigible and universal moral and political principles. This tendency, as we shall see in the next chapter, is marked in the claim that our intuitions of right and wrong are infallible. Now, of course, if it were true that our intuitions of right and wrong are infallible, then it would be the case that there is complete agreement as to what is morally obligatory, and it would also be the case that we could always argue that thinking an action to be one's duty is always accompanied by a right against others to do that action. It would then be the case that we always have a right against others to act in accordance with our consciences. It will be noted, however, that the tendency to argue that our intuitions are infallible serves to obliterate the distinction which Price is most concerned to emphasise in his account of moral judgment, namely, the distinction between the 'objectively right act' and the 'subjectively right act'.

If it were the case that our intuitions were infallible then there would be no point in attempting to distinguish in this way between objective and subjective rectitude. Once, however, we distinguish between objective and subjective rectitude, and admit what that distinction requires, that our moral judgments are corrigible, then it becomes much more difficult to assert that there is that compatibility of moral conceptions which enables us to infer from our thinking an action to be obligatory that we have a right to do that action. This consideration is important because there is a tendency in Price to vacillate between an over-simplified account of moral judgment which assumes that our moral perceptions are incorrigible, and a more sophisticated account which admits the variety and the corrigibility of our moral intuitions. At different stages in his argument Price draws the different and conflicting implications which these two accounts yield. In the next chapter we shall show that these different accounts have their ground in two different constructions of the function of reason in moral and political judgment, the one construing reason as the immediate intuition of self-evident truths, and the other construing reason as a technique whereby we correct our opinions and beliefs. 1.

1. In the above discussion we have claimed that the inference 'I have a right against B to do action x' from the claim 'I think that I ought to do action x' is only legitimate on the assumption that B and I are in agreement as to

It will have been noticed that, in the argument which we have been discussing, Price is concerned with freedom of conscience in general; we shall now try to show how his argument derives support from the special considerations which

(continuation of fn. 1. from p.)

what is morally admissible. This seems to be asserting that I only have rights as against B where B and I are in agreement as to what is morally admissible. For one way in which the term 'rights' may be used this is true, but it is important to distinguish this usage from one of which it is not true. Hitherto we have been concerned with the subjective notion of of duty and the interpersonal implications of the claim that each one ought to do what he thinks he ought to do. If it is asserted that each one ought to do what he thinks he ought to do, then interpersonal rights can only arise where there is a common acceptance of the basis upon which they are claimed. Rights, in this sense, depend upon recognition.

When using the term 'rights', however, we do not always use it in the context of the interpersonal implications of what we think we ought to do. Normally we discuss obligations in terms of objective rectitude, and in doing so we tend to concentrate our attention solely and simply on the merits and demerits of various courses of action. It is as though we assumed that all are of like mind and that the reasons which convince me that action x is my duty will also convince B, C, D, ... that action x is my duty. At this level of discussion and with these assumptions, having a right to do action x is a direct correlative of having an obligation to do action x. Assuming that action x is the action which I ought to do, then I can also assume that I have a right to do that action. Rights in this sense do not depend upon recognition. In brief, the use of 'rights' which is correlative to the subjective notion of duty (which realises that a man is bound by his own conceptions of right and wrong) entails recognition, but the use of rights which is correlative to the objective notion of duty does not.

he adduces in favour of freedom of religious conscience. In our discussion of Locke we noted the unsuccessful attempt to dissociate spiritual from secular matters; the demand for freedom of conscience made it necessary to show that such freedom was feasible, and this, in turn, made it necessary to show that the particular speculative doctrines which might be held in religion did not affect allegiance to the accepted moral standards of the community and to the interests and security of society. This Locke failed to show as he had to admit that the dissemination of some speculative doctrines constituted a threat to moral standards and to the public good.

For the same purpose Price also attempts to dissociate the spiritual from the secular, and the way in which he chooses to do so is by emphasising the social and moral irrelevance of theological dispute. He tries to show that questions of doctrinal speculation do not affect our practical commitments and that our consciousness of right and wrong is independent of whatever speculative views we may hold. Speculative matters, since they do not intrude upon the discharge of moral and social obligations, are thus essentially private matters. It is thus feasible to grant complete freedom to speculate in questions of doctrine.

The feasibility of freedom of conscience thus has two grounds; in moral questions and in the essentials of faith it is grounded in the claim that there is universal agreement; in those doctrinal matters where there is dispute it is grounded in the social irrelevance of speculation. Both these assertions are implied by Price in the definition of his theological position. In the 'Sermons on the Christian Doctrine'^{1.} in order to distinguish his Arian position from that of the Calvinists and from that of the Socinians, he first sets forth those principles which he believes all Christians accept, and then he distinguishes the disputed doctrines which give rise to the various theological positions. He takes great care throughout to emphasise that Christians do in fact accept all that it is essential for them to believe. These fundamental principles which we receive from God through our reason as well as through revelation - 'the light of nature is derived from him as well as the light of the Gospel' - are summarised as follows:-

The Gospel teaches us that there is only one living and true God..... This One God is possessed of all possible perfection; that he is infinitely wise, powerful, righteous, and benevolent; that he is the moral governor of the world, an enemy to all wickedness, and a friend to all goodness That he directs all events by his providence so particularly as that the hairs of our head are all numbered, and that a sparrow does not fall to the ground without him. It teaches us also to imitate, to serve and to worship him, and to put our trust in him; and comprehends the whole of our duty in loving him with all our hearts,

1. Sermons on the Christian Doctrine, 'The Works of Richard Price', Vol. IX.

"and in loving our neighbour as ourselves. It declares to us the necessity of repentance and a holy life; a future state of rewards and punishments; and a future period of universal retribution when all mankind shall be judged according to their works.....

That Christ was sent of God, that He is the true Messiah, that he worked miracles, and suffered and died and rose again as related in the four Gospels: that after his resurrection he ascended to Heaven and became possessed of universal dominion, being made head over all things in this world; and that he will hereafter make a second appearance on this earth, and come from heaven to raise all mankind from death, to judge the world in righteousness, to bestow eternal life on the truly virtuous, and to punish the workers of iniquity.

(Concerning Christ's mission) that he came to call sinners to repentance, to teach us the knowledge of God and our duty, to save us from sin and death, and to publish a covenant of grace by which all sincere penitents and good men are assured of favour and complete happiness in his future everlasting kingdom. 1.

Maintaining that these tenets are those which are required of and accepted by all Christians, and which alone are necessary, he then discusses the additional articles of belief which, though important matters for speculation, are not capable of conclusive determination. As an Arian he distinguishes himself from the Calvinists and the Socinians in the following way: as against the Calvinists he does not accept the doctrines of (a) the Consubstantiality of the Persons in the Trinity, (b) inherent and imputed original sin, (c) predestination, (d) particular redemption, (e) the covenant of redemption whereby Christ makes a satisfaction to the Godhead, and (f) total impotence and irresistible grace. The official orthodox doctrine, which embraced the Athanasian Creed, required the acceptance of the doctrine of the Consubstantiality of the

1. 'Sermons on the Christian Doctrine', pp. 7-10.

Persons in the Trinity, and it was their inability to accept this doctrine and the articles in which it was defined that placed the Arians and the Socinians outside the pale of protected Dissent. The Socinians, however, took their rationalism further than the Arians did; Priestley, for example, while rejecting the doctrines of Calvinism listed above, differed from the Arians on ~~the~~ ^{two} important questions. He maintained the doctrine of the simple humanity of Christ, and the doctrine that Christ saves mankind simply by his example and his instruction. On these questions the Arians sought a middle way between the extremes of Calvinism and Socinianism; on the question of the Person of Christ, whereas the Calvinists held that the Person of Christ was Consubstantial with the Godhead, and whereas the Socinians held the simple humanity of Christ, they held that Christ was Divine though not Consubstantial. This position was formulated in the doctrine of the pre-existence of Christ. On the question of the nature of salvation, they held that Christ saves mankind not simply by his example and his instruction, but also by his interposing power which enables man to be reconciled to the Godhead. In this way they rejected the claim of the Calvinists, that man is totally depraved and depends entirely on the sacrifice of Christ, and that of the Socinians, that Christ saves only through his example and his instruction.

Price defines the Arian position as follows:-

"It makes Christ more than a human being; his character more than that of a reformer; and our salvation by him more than a mere conveyance of benefits. It teaches that Christ descended to this earth from a state of pre-existent dignity; that he was in the beginning with God, and that by him God made this world; and that by a humiliation of himself which has no parallel, and by which he has exhibited an example of benevolence that passes knowledge, he took on him flesh and blood and passed through human life enduring all its sorrows, in order to save and bless a sinful race. By delivering himself up to death he acquired the power of delivering us from death. By offering himself a sacrifice on the cross he vindicated the honour of those laws which sinners had broken, and rendered the exercise of favour to them consistent with the holiness and wisdom of God's government; and by his resurrection from the dead he proved the efficacy and acceptableness of his sacrifice. In a word; according to this scheme, Christ not only declared but obtained the availableness of repentance to pardon; and became, by his interposition, not only the Conveyor but the Author and the means of our future immortality." 1.

As Dr. Edwards points out, this is ^J just a statement of belief and no attempt is made to give it a rational basis,

"Like the Deists he (Price) often appeals to the authority of Reason, but unlike them he believes that there are some revealed truths which the human reason, being still in its infancy cannot comprehend. But the supreme authority according to Price is the moral consciousness. He is convinced that no theological doctrine which violates universally recognised moral principles can possibly be true." 2.

Price would admit that those doctrines which are peculiar to Arianism are not included in the articles which it is essential for a Christian to accept. He would also claim that none of the

1. 'Sermons on the Christian Doctrine', Works, Vol. IX, pp. 85-86.
 2. E.M. Edwards, 'The Philosophy of Richard Price', p. 16.

articles of the Christian faith, whether those which are essential or those which are the subject of speculation, conflict with the deliverances of conscience. It is not always clear, however, whether he thinks that the principles which it is essential for all Christians to believe are required of all rational agents, or whether he holds that it is only the principles of morality which compel the rational mind. That is, it is not clear whether Price would regard heathenism as a species of irrationality, whereas it is quite clear that he would regard amoralism as such.

His enthronement of the moral consciousness and his division of religious beliefs into those which are both essential and commonly accepted and into those which are neither essential nor commonly accepted, reflect his tendency to assert that all questions of belief can be classified either into those which both require and receive a conclusive and commonly acceptable determination, or into those which do not. To all those questions to which answers must be given we are agreed as to what answers should be given. Where we are not in agreement it is not of crucial importance that we should be. Freedom of conscience is made feasible in one sphere by our being in agreement, in the other by the social and moral irrelevance of difference of opinion. The unwillingness to admit that it may not be feasible to grant freedom of conscience

drives Price to strange extremes; he is in danger of being required to assert that all those matters upon which speculative disagreement exists are morally or socially irrelevant, and, if it is maintained that the principles of Christianity are neither capable of rational demonstration nor commonly accepted, he is in danger of being required to assert that the principles of Christianity are morally and socially inconsequential.

A further feature of Price's account is the claim that speculation in religious matters is private not only in the sense that it is of concern to the individual alone, but also in the sense that the process of judgment is private, that is, that judgment on religious issues is a process in which the individual relies upon his own resources. This point is crucial because Price extends this notion of the privacy of individual judgment from its specifically religious application, to maintain that all judgments of conscience are private in this way, and, thus, it is here, in particular, that we see how his preoccupation with the problems of freedom of conscience in religious matters influences his general treatment of conscience. What then is meant by the contention that judgment is a private process, and that the individual relies upon his own resources? What particular emphasis is placed upon the notion that God reveals Himself to the individual in the private sanctuaries of the heart and mind?

In general terms, we may say that Price is suggesting to us that in some way the individual by concentrating upon his reflective experience can satisfy himself as to the nature of the will of God and as to the content of his moral obligations. He is suggesting, and the suggestion is implicit in the way in which the concept of the 'individual' is used, that the individual by meditating on his own experience and on his own experience alone, can discover the fundamental religious and moral truths. In any moral discussion we can distinguish what we finally think we ought to do from what others think ought to be done, and we normally hold that we ought to do what we finally think we ought to do, even if it runs contrary to what others think ought to be done. We can also distinguish what we initially think we ought to do (i.e., what we think we ought to do before we reflect upon what others think we ought to do) from what we finally think we ought to do (i.e., what we think we ought to do after such reflection). If, however, we fail to make this latter distinction between what we initially think we ought to do and what we finally think we ought to do, we may find ourselves interpreting the claim that we should always do what we think we ought to do, in the form that we should always do what we initially think we ought to do.

Now it seems that the assumption that our consciences are privately inspired encourages us to hold that we should always do

what we initially think we ought to do, for to say that our consciences are privately inspired, and that the individual can rely upon his own resources is to exclude the need for reflection upon what others think ought to be done. Here then we see the force of Price's assumption that moral judgment is private in the sense that it is held to be the direct revelation of God's will and purpose to the 'honest mind' of each individual, and that it is the outcome of a direct relation between the individual and the Godhead which is neither mediated nor modified by reflection upon what others think to be obligatory. When Price asserts that the authority of conscience is Divine, at first it seems as though he is just re-affirming the principle of subjective rectitude,

"It is truly and absolutely right that a being should do what the reason of his mind, though perhaps unhappily misinformed, requires of him, or what, according to his best judgment, he is persuaded to be the will of God." 1.

From the context, however, it can be seen that he is also claiming that it is the initial judgment which has the Divine sanction. The individual is directly contrasted with that of the magistrate, the former being sacred and divine, the latter being merely human.

1. 'Review', p. 180.

"How absurd then are all claims to dominion over conscience ? Such a dominion is little to the purpose of those who have pleaded for it, if it does not mean a power or right to oblige persons to act against their private judgment, that is, a right to oblige persons to do wrong. Every man ought to be left to follow his conscience because then only he acts virtuously. Where the plea of conscience is real, (and who but the searcher of hearts can judge how far in general it is or is not so ?) it is wicked to lay restraints upon it. For it is violating the rights of what is above all things sacred, attempting to make hypocrites and knaves of men, and establishing human authority on the ruins of divine." 1.

This claim that our consciences are both privately and Divinely inspired, the implication that our initial moral judgments are socially incorrigible, preclude the admissibility of what we normally take to be important features of the way in which we make moral judgments. By oversimplifying the nature of moral judgment it leads us to ignore the following features:-

Firstly, it is often the case that the mere fact that other people do not share our moral convictions serves to modify our belief as to what is our duty. For it is often the case that the fact that others do not think as we do, and cannot be expected to act as we should act, prejudices the likelihood of our projects being successful, and, in thus prejudicing the likelihood of their success, prejudices also the wisdom and the moral desirability of our attempting them. This is, of course, not to say that we are always turned from what we think we ought to do by the disagreement of others, nor is it to say that there are no occasions when we ought to do what we finally think we ought to do despite the fact that our beliefs as to what is morally appropriate are not shared.

1. 'Review', p. 180.

Secondly, our conception of what we ought to do sometimes requires modification in the light of the reasons which others advance for their conceptions of right and wrong. In the light of such criticism we often come to see features of a moral situation of which we should otherwise have been unaware. Similarly, just as we need to criticise our moral beliefs in the light of the criticisms which our contemporaries adduce, so do we need to review our moral principles in the light of the moral wisdom of previous generations and of ranges of experience other than our own. One of the shortcomings of the individualist view is that it ignores the dependence of our moral thinking upon its context. By assuming that there is a direct and veridical apprehension of God's will, and that this apprehension is universal, it ignores the dependence of our particular moral beliefs upon the thoughtways of our community.

Thirdly, we need to modify our own initial conceptions of what we ought to do in the light of certain demands made by those social organisations, including the State, part of whose function is to arbitrate different conceptions of what is morally desirable, and to define and maintain those rules by which our activity is guided. We recognise that insofar as we subscribe to the general ends which the society exists to secure, we have obligations to abide by the rules of the society not only because we desire the particular

ends which the particular rules secure, but also because we desire the general end which rule-making secures, namely, the provision of order and the arbitration of differing conceptions. We have an allegiance to the societies of which we are members not only because we desire the ends which the particular rules of the society are designed to achieve, but also because we desire that there should be a society and that this society should provide law and order.

There may, however, be a conflict between the general obligation to maintain the forms of order and those obligations which arise from the moral appropriateness or moral inappropriateness of a particular rule. It may happen, for example, that a person may feel that what he conceives to be the moral inappropriateness of a particular rule requires that he should not abide by that particular rule, and yet at the same time he may feel that the general obligation to uphold the rules of society requires that he should abide by that rule. Now if such conflicts occur, and if the obligation arising from the particular appropriateness of a rule may be qualified by the general obligation to maintain the rules of society, it follows that our duties towards society cannot be determined simply by reference to our own views as to the moral appropriateness or moral inappropriateness of particular rules.

The mere fact that a particular rule does not meet with the conscientious approval of a member of society does not^{of} itself give

rise to a duty or a right to set that rule aside, for it may be the case that the moral disappropriateness of obeying the rule is counter-balanced by the general ~~rule~~ obligation to obey the rules of society. Thus our immediate conception of the moral disappropriateness of a rule does not always give rise to the duty to disobey; our allegiance to our initial perceptions is qualified by the reflection that our obligation to maintain the general fabric of law and law-abidingness remains even where some of the claims of government offend some of our moral susceptibilities.

Price's claim that our moral judgments are both immediately and Divinely inspired, in addition to excluding the social corrigibility of moral judgment, entails the identity of all individual moral conceptions. He thus assumes that all rational agents agree upon the provisions of the moral law. This assumption that there is such a general will which exhibits an identity in each particular will, taken together with the assumption that there is a moral order which harmonises conscientious activity would, if accepted, establish that there is a compatibility of moral performances, and, 'a fortiori', the feasibility of allowing freedom of conscience to each one both in the religious and in the practical sense.

But these assumptions do violence to much of what we normally regard to be essential elements of moral judgment. We have seen how the preoccupation with the privacy and the infallibility

of our moral perceptions leads Price to oversimplify the nature
and
of moral judgment, to ignore its reflective character, and our
obligations to modify our own conceptions in the light of the
different conceptions of others and the demands made by the
societies to which we belong. In our next chapter we shall
examine how these assumptions find support in the epistemological
considerations with which Price defends the objectivity of moral
and political values, and, in doing so, we shall discuss those
instances in which Price acknowledges the difficulties which meet
his view that moral perception is the immediate and incorrigible
apprehension of moral truth.

CHAPTER II.

THE EPISTEMOLOGY OF MORAL AND POLITICAL JUDGMENT

In our previous chapter we have seen that much of Price's argument for the freedom of individual conscience, for the unrestricted right to act and to be governed in accordance with one's own moral conceptions, relies upon the assumption that the individual's judgment in moral and political matters is incorrigible. This assumption is expressed in the claim that the conscience of each individual is both privately and Divinely inspired, and it is implied in the claim that each individual apprehends the requirements of a moral order which makes it feasible for each one to act in accordance with his conscience.

In the 'Review' Price sets forth the epistemological basis of this contention that our apprehension of the principles of moral and political judgment is incorrigible. Avowedly, his main programme is to demonstrate that the 'principles of eternal and immutable morality' are made manifest to the consciences of each one, and to show that our moral perceptions are unclouded perceptions of the nature of things and that our 'bona fide' moral assertions are accurate descriptions or statements of those perceptions.

In examining his discussion, care needs to be taken to avoid an ^Bamiguity in the contention that our moral judgments are infallible. This may be understood in two ways:- (A) that whenever we make a judgment on a moral issue, we always make the correct judgment. Whoever held this would also have to hold that whenever we make a judgment on a moral issue we never make mistakes either as to the questions of fact or as to the questions of moral principle (or moral value) involved in such a judgment. It does not seem to be the case that any moral philosopher has ever consistently held that our consciences are infallible in this sense, although the admission that we are liable to error in respect of the facts creates difficulties for those who believe that the principles of moral and political judgment can be determined completely 'a priori'. Alternatively, the claim that our moral judgments are infallible may be interpreted as follows:- (B) that whenever we make a judgment on a moral issue, we never make a mistake as to the moral principle or as to the moral value which the facts of the situation, as we take them to be, require. On this formulation the admission that we are liable to make mistakes about the relevant facts does not preclude our holding that our consciences are infallible. To distinguish this formulation from that given under (A) we shall refer to it as the claim that we never make mistakes in our specifically moral judgments. For the first part of our discussion of the 'Review' we shall confine ourselves

to this more restricted interpretation of the claim that our consciences are infallible; if the claim is inadmissible in this form, then 'a fortiori' it will be inadmissible in the more extended form (A).

Now, although Price's claim that our specifically moral judgments are incorrigible requires that our moral perceptions are clear and unclouded perceptions of the nature of things, it does not seem to be the case that the arguments which he uses to establish the objectivity of moral judgment are sufficient to establish the kind of objectivity which is required. In what follows we shall suggest that the kind of objectivity which he does succeed in establishing does not preclude the corrigibility of moral judgment, and that he is misled into assuming that because moral judgments are, and can be shown to be, objective in some sense, they are also objective in the sense required by the thesis that our moral perceptions are the unclouded perceptions of the nature of things. We shall also try to show that when he lays aside certain epistemological preoccupations, and when he is not concerned to establish the thesis that there are universal moral and political principles, his treatment of the nature of moral judgment is more consistent with the view that our moral judgments are corrigible than with the view that they are not, and that, in consequence, the general tenour of his treatment

of the nature of moral and political judgment is not such as to support the particular arguments for freedom of conscience which we noted in the previous chapter.

Much turns upon the interpretation of the claim that our moral judgments are objective, and since, we believe, Price is somewhat confused in his treatment of this in the epistemological section of the 'Review', it is important to distinguish the different theses which may be maintained by those who do claim that moral judgments are objective. What is at issue in the debate concerning the objectivity of moral values? The objectivist may begin to formulate his position as follows:- when we say that an action is the right action or that a character is a good character, what we are saying and what we mean is that it is the action which is right and the character which is good. But, surely, one might reply, this is obviously so. How could it be otherwise? How could it be the case when we say that an action is right or that a character is good, that we are saying something other than that it is the character which is good or that it is the action which is right? When we say these things about characters and about actions is it not the characters and the actions which we are talking about? And, in the cases mentioned, if it is not the characters and the actions which are good and right, what else could be good and right?

And now it seems as though the objectivist is committing himself to a truism. But it is important to note that when the objectivist claims that characters are good and that actions are right he is not concerned with the ordinary meaning of the phrase in such a way that one who denies the validity of his view is committed to saying that when we say that actions and characters are right and good we are not talking about actions and characters. For what is under discussion is not the content of what is communicated when we predicate moral qualities of actions and characters. The subjectivist who denies that actions are right and that characters are good is not then denying that when we say that 'Tom has a good character' we mean that 'Tom has a good character' or that when we say that 'This action is right' we mean that 'This action is right'.

What then is the objectivist saying which the subjectivist cannot accept? In what way does the objectivist say that actions are right and that characters are good which the subjectivist claims is invalid? The dispute concerns not that which is communicated by the assertions, but the epistemological analysis which should be given of them. The objectivist is saying that when an assertion such as 'This action is right' or 'This character is good' is true, it is true by virtue of a characteristic or quality which the action or the character possesses; or, he is saying that when an assertion

of the kind 'This action is right' or 'This character is good' is valid, it is valid by virtue of the fact that the characteristics of 'rightness' and 'goodness' can be seen to be attributed correctly to characters and actions.

These claims can be set forth in the following way:-

An objectivist may hold,

(a) that 'goodness' ('rightness') is the name of a property or characteristic, such that some of the valid (true) assertions containing these terms are descriptions or statements, and

(b) that 'goodness' ('rightness') is the name of a property or characteristic, such that some of the valid (true) assertions containing these terms are descriptions of or statements about characters and actions.

Below I shall refer to (a) and (b) taken together as the Minor objectivist thesis. To this claim the objectivist may add the following,

(c) that moral perceptions are always clear and unclouded perceptions of the nature of actions and characters, and thus, that 'bona fide' moral assertions are always accurate descriptions or correct statements. That is, whenever we pay attention to the moral

qualities which an action or a character possesses we always have a clear and unclouded perception of the moral qualities of that action or character. Below I shall refer to this as the Major objectivist thesis.

Now, the subjectivist might disagree with the objectivist on the following points:- In the first place, he may agree that rightness or goodness are properties or characteristics, but deny that they are properties or characteristics of actions. Thus he may agree that moral assertions are descriptions or statements, but deny that they are assertions or statements about actions or characters. Instead, he may attribute the property or the characteristic to the psychological state of the person making the moral judgment. Moral assertions are then descriptions of the psychology of those who make the judgment. This is the characteristic position of the Moral Sense school, particularly of Hutcheson, of whom Price says,

"From the term sense, which he applies to it, (i.e., moral faculty) from his rejection of all the arguments that have been used to prove it to be an intellectual power, and from the whole of his language on this subject; it is evident, he considered it as the effect of a positive constitution of our minds, or as an implanted and arbitrary principle by which a relish is given us for certain moral objects and forms and aversion to others, similar to the relishes and aversions created by any of our other senses. In other words; our ideas of morality, if this account is right, have the same origin with our ideas of the sensible qualities of bodies, the harmony of sounds, or the beauties of painting or sculpture; that is, the mere good pleasure of our Maker adapting the mind and its organs in a particular manner to certain objects. Virtue (as those who embrace this scheme say)

"is an affair of taste. Moral right and wrong, signify nothing in the objects themselves to which they are applied, any more than agreeable and harsh; sweet and bitter; pleasant and painful; but only certain effects in us. Our perception of right, or moral good, in actions, is that agreeable emotion, or feeling, which certain actions produce in us; and of wrong, or moral evil, the contrary." 1.

This position is also held by Hume, at least according to some of his formulations of the subjectivist position. The subjectivist holding this position may also hold that moral perceptions are always clear perceptions, so that 'bona fide' moral assertions are always correct psychological descriptions. In this way both the objectivist and the subjectivist may hold that moral assertions are incorrigible. There may be a further point of agreement; the objectivist who holds that moral perceptions are the apprehensions of the real nature of actions must also hold that there is agreement as to the nature of those actions amongst those who pay attention to their moral perceptions; the subjectivist may hold that there is the same uniformity of conviction amongst those who pay attention, but that this uniformity is grounded not in the fact that moral perceptions are the apprehensions of the real nature of actions but in the fact that we are all so constituted as to experience the same psychological reactions to the same situations.

The subjectivist may, however, formulate his objection to the objectivist thesis in a much more radical manner. He may deny

1. 'Review', pp. 14 and 15.

what the kind of subjectivist we have been discussing assents to, that 'rightness' and 'goodness' are properties or characteristics, and, consequently, he may deny that moral assertions are either descriptions or statements. In denying that 'rightness' and 'goodness' are properties he may assert that assertions containing 'right' and 'good' when used in a moral context exhibit the structure and form, not of statements or descriptions, but ~~that~~ of - and there are several different candidates - expressions, ejaculations, commands or decisions.

For our present purposes we need to elucidate the differences between the minor and the major objectivist thesis. As we have indicated, the minor thesis maintains that moral predicates represent properties or characteristics which actions possess, and that moral assertions are statements or descriptions of the moral properties which actions possess. In other words, moral assertions have an objective reference. The minor thesis does not commit itself to maintaining that all those assertions which have objective reference must, if valid, be incorrigible statements.

The major thesis maintains all that the minor thesis maintains together with the additional claim that 'bona fide' moral assertions, that is, statements which are genuine attempts to state our moral perceptions, are true and accurate statements. This additional claim

is based upon the assumption that our moral perceptions are clear and unclouded perceptions of the real nature of actions. On the major thesis, although, the objectivist is not committed to the view that all assertions which purport to be moral assertions are incorrigible, - for it may be the case that some may deliberately distort the deliverances of conscience, and it may be the case that some pay inadequate attention to the deliverances of conscience, - he is committed to the view that, where a person does pay adequate attention and where he does attempt to record his perceptions faithfully, his moral assertions are incorrigible.

Now whereas the major thesis entails the minor, the converse is not true. It is possible to hold that our moral assertions, or at least some of them, are descriptions without being correct or accurate descriptions, that they have objective reference without being incorrigible. And this is the important difference between both theses; whereas the major thesis maintains that all our 'bona fide' assertions are incorrigible, the minor thesis leaves the question as to their corrigibility an open one; it may be the case that some of our 'bona fide' assertions are incorrigible, and it may be the case that some are not. 1.

1. It is important to distinguish the formulation of the objectivist/subjectivist controversy given above from other controversies which may be confused with it. In his 'Language of Morals' Mr. Hare assumes that the objectivist is one who accepts the conventional moral principles of his society or community and that the subjectivist is one who believes not only that he must think out his own morality but also that he must forge new principles for his moral salvation. It is, of course, important that each one should see for himself the validity of those moral principles by which he guides and controls his conduct, but it does not necessarily follow that if a person is to live in accordance with principles/the validity of which he has been convinced, that those principles must be new principles. For it might well be the case that an investigation into the validity of the principles of the moral code of a community might just confirm the

A further variant of the major objectivist thesis needs to be noted. It may be claimed not only that our 'bona fide' moral assertions

(continuation of fn. 1. from preceding page)

investigator in their validity. It does not follow that if we are to be morally alive and sensitive, we have to be revolutionary; nor is the obligation to see that our moral principles are moral principles inconsistent with the acceptance of conventional moral principles.

Secondly, we need to distinguish the objectivism which claims that conventional moral usages are valid from the objectivism which claims that there are universally valid and incorrigible moral principles. Of course, we should normally expect a person who held that there are moral principles which are universally valid to hold that those principles are enshrined in conventional codes, but it is not necessarily the case that he does. The two kinds of objectivism are not necessarily interdependent, it being possible to hold the former without holding the latter, and vice versa. For example, the Eighteenth Century Radicals, Price and Priestley included, held that there were moral and political principles of universal validity; but they also denied that conventional moral and political usage had unquestioned sanctions. On the other hand, it is possible to hold that the conventional moral principles of the community should be accepted without at the same time being committed to the view that there are universal and incorrigible moral truths. Burke, for example, held that we should accept the principles which experience had taught us were the true guides for our community, but he did not claim that such principles were necessarily valid for other communities, or that they could be expressed in incorrigible form. (The Radicals, however, were placed in the difficult position of showing that the men who were responsible for the formulation of conventional moral principles consistently and deliberately ignored the evidence of the light of reason which communicated to them the eternal truths.)

Thirdly, we need to distinguish the objectivism which asserts that there are universally accepted and incorrigible moral principles from the objectivism which asserts that our moral assertions have objective reference. It is possible to hold, as Dr. Ewing does, that our moral assertions have an objective reference without also holding that our moral perceptions and our 'bona fide' moral assertions are incorrigible. (On the other hand, it is possible to hold, as Hume does, that there is universal agreement on moral issues without holding that our moral assertions have an objective reference.) The objectivism which maintains that there are incorrigible moral principles and that our moral intuitions are infallible is only entailed by the objectivism which maintains that 'bona fide' moral assertions have an objective reference, if it is assumed that all statements which have an objective reference are true and incorrigible statements. It is only on the assumption that an assertion cannot be a statement unless it is also a true and incorrigibly true statement that all assertions which are statements (and have objective reference) are held to be true and incorrigible statements. Now if it is admitted that an assertion can be a statement (and have objective reference) without being an incorrigibly true statement, then it can be the case that moral assertions can be objective in the sense that they have objective reference, without it also being the case that they are objective in the sense that they are statements of incorrigible truth.

are incorrigible, but also that they are instances of propositions which are necessarily true. Price, for example, claims that our knowledge of right and wrong is knowledge of necessary truth. This variant can be distinguished from the original formulation in the following way: even if it were the case that our 'bona fide' moral assertions were instances of propositions which were universally true, it could still be the case that those truths were contingent truths. The claim that they are necessary truths, however, asserts not only that they are propositions which are in fact true, but also that in no circumstances whatsoever could it be the case that they were not true.

Now when Price formulates his purpose in the 'Review' he does not distinguish these different theses or statements of the objectivist view; he does not distinguish the minor thesis from the major nor the two formulations of the major. When we examine the following passages we see that the three theses are intermingled and are thought to be interdependent. His aim, he states, is to inquire,

"whether this be a true account of virtue or not; whether it has or has not a foundation in the nature of its object; whether right and wrong are real characters of actions, or only qualities of our minds; whether, in short, they denote what actions are, or only sensations derived from the particular frame and structure of our natures..... If the former is true, then is morality equally unchangeable with all truth: If, on the contrary, the latter is true, then is it that only which, according to the different constitutions of the senses of beings, it appears to be to them." 1.

1. 'Review', pp. 15 and 16.

Again, he asks,

"When now we ask, what the FOUNDATION of virtue thus understood, is, we may mean, 'what is the true account or reason that such and such actions are right, or appear to us under this notion?' And but two accounts of this can possibly be assigned. -- It may be said either, that right is a species of sensation, like taste or colour, and therefore denotes nothing absolutely true of the actions to which we apply it; which lays the foundation of it entirely in the will and good pleasure of the author of our natures. Or, on the other hand, it may be said, that it denotes a real character of actions, or something true of them; something necessary and immutable and independent of our perceptions, like equality, difference, proportion, or connection;" 1.

The truth is that there was a conflation in Price's mind of the different kinds of objectivity, and unwittingly he seems to have assumed that the case for the minor thesis (that 'bona fide' moral assertions have an objective reference) stands or falls with case for the major thesis. The arguments for showing that our moral assertions have an objective reference were to be those for showing that our 'bona fide' moral assertions are instances of propositions which are incorrigible and necessarily true. In addition to arguing against Hutcheson and Hume,

"that right and wrong, or moral good and evil, signify somewhat really true of actions, and not merely sensations," 2.

he is also preparing to argue,

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1. 'Review', p. 233.
 2. 'Review', p. 4, (Preface).

"That morality is eternal and immutable. Right and wrong, it appears, denote what actions are. Now whatever any thing is, that it is, not by will, or decree, or power, but by nature and necessity.

Part of the explanation of Price's method of argument here is that he is using the armoury of Cudworth, the protagonist of the 'eternal and immutable principles of morality', to combat the moral solipsism of Hume, and that, in consequence, he defends the minor thesis in terms of the assumptions that underlie the defence of the thesis that our moral principles are instances of necessary truth. His procedure gives further proof of this. The Moral Sense School, Price argues, claim to have shown that our moral ideas are ideas which are given to sense; in opposition, he will undertake to show that they are given not to sense but to the understanding; and if he can show that they are given to the understanding, he will, he believes, show that our moral ideas signify 'something really true of actions'.

His procedure thus depends on the following assumptions:-

(a) that all ideas are given either to sense or to the understanding. Moral judgments are thus either sensitive judgments or rational judgments. Price excludes the possibility that our moral judgments may be imaginative judgments, and the possibility that moral

judgment may be a function both of sensitive and rational judgment.

(b) that the understanding and the reason directly apprehend the real. Thus it is that all ideas or concepts which are 'a priori' (i.e., not derived from sense experience and introspection) and which are utilised in rational judgment have an objective reference.

On the basis of these assumptions Price, if he can show that moral ideas are ideas which are given to the understanding, will be able to show that they have an objective reference, in the sense demanded by the minor thesis. But will he also thereby be able to demonstrate the major thesis, will he be able to show that our 'Bona fide' moral assertions are incorrigible and that they are necessarily true? Here we notice the same kind of ambiguity in the treatment of rationality which we noted in the use of objectivity. For the purpose of the minor thesis, he will have to show that moral ideas are ideas given to the understanding, and that ideas given to the understanding have an objective reference, but for the purposes of the major thesis he will also have to show that all ideas given to the understanding are employed exclusively in the elucidation of incorrigible (on the second formulation, of necessarily true) assertions.

But just as Price does not investigate the various formulations of objectivity, neither does he investigate the various formulations of rationality in moral judgment. He tends to assume that if he can show that moral ideas are rational in the sense that they have an

objective reference, he will also show that they are rational in the sense that they are employed only in the elucidation of incorrigible propositions. Further, he tends to assume that they are only employed in the elucidation of propositions which are necessarily true. In effect this procedure is to confine the reason and the understanding to the discernment of 'necessary' truth; it is to reduce the function of reason to the intuitive apprehension of self-evident truths and entailment relations.

To clear the ground for the demonstration that moral ideas are ideas given to reason, Price proceeds to show that moral ideas are simple ideas. He assumes that all ideas are either simple and complex, and argues that moral ideas cannot be complex ideas. They cannot be compounded out of other ideas for moral values are indefinable. His argument for the indefinability or unanalysability of moral ideas anticipates Professor Moore's refutation of the naturalistic fallacy,

"Right and wrong when applied to actions which are commanded or forbidden by the will of God, or that produce good or harm, do not signify merely, that such actions are commanded or forbidden, or that they are useful or hurtful, but a sentiment concerning them and our consequent approbation or disapprobation of the performance of them. Were not this true, it would be palpably absurd in any case to ask, whether it is right to obey a command, or wrong to disobey it; and the propositions, obeying a command is right, or producing happiness is right, would be most trifling, as expressing no more than that obeying a command, is obeying a command, or producing happiness, is producing happiness." 1.

1. 'Review', pp. 16, 17.

Because we can always significantly ask whether it would be right to do an action which could be described by the proposed definition of right (is it right, say, to do that which would produce the greatest happiness ?) then rightness is not exhaustively definable. Price notes that if moral ideas were definable either in terms of their relation to happiness or in terms of their relation to will, then, since such relations are discoverable by reason, there would be no dispute as to whether moral ideas are given to reason or to sense.^{1.} He also notes that if moral ideas were ideas definable in relation to will, we should have no criterion for determining whether one will should be obeyed rather than another,

"If mere will ever obliged, what reason can be given, why the will of one being should oblige, and of another not;"^{2.}

Similarly, if the mere fact of being willed constituted an action's rightness, we should have no criterion for distinguishing between power and authority.^{3.}

Having thus shown that moral ideas are simple ideas, he proceeds to show that they are given to the understanding and not to sense. His procedure consists in (A) demonstrating the possibility that they are given to the understanding by showing that some of our ideas are given to and must be given to the understanding; this involves

1. 'Review', pp. 16, 17.
 2. Ibid., p. 52.
 3. Ibid.

refuting the contention of the Empiricists that all our ideas are given to sense; and (B) adducing more direct arguments to show that our moral ideas are given to the understanding.

(A) Price begins his attempt to show that some ideas are given to reason by criticising Locke's statement of the Empiricist position,

"Sensation and Reflection have been commonly reckoned the source of all our ideas: and Mr. Locke has taken no small pains to prove this." 1.

If by sensation we understand the effects made upon our minds by external objects, and if by reflection we understand introspection, then it is clear that many of our ideas do not arise from either of these two sources, as we have ideas of things which we have not experienced. It is more probable, however, Price claims, that Locke held that all our ideas are either derived immediately from sense experience or compounded from those so derived. On such a view the functions of the understanding are restricted to compounding, dividing, abstracting and enlarging the ideas which are given to the mind in sensation and introspection, and this is what Price is concerned to attack, for the view denies that the understanding is a source or spring of new ideas. Price does not undertake an exhaustive critique of Locke's view, and he ignores the conflicting elements in his Empiricism; reading him in the light of Hume, he is concerned with

1. 'Review', p. 17.

those elements of sensationalism in Locke's thought and he discounts evidence for an interpretation which he should have found more congenial. To clarify his conception of the understanding, Price makes two points. He dissociates himself from those who include the powers of internal and external sensation in the functions of the understanding together with the powers of judging and reasoning; he proposes to include only the two latter. Further, he notes that he is more concerned with the understanding as a power of judgment or intuition than with understanding as the power of reasoning or deduction. Previous writers (he has Hutcheson in mind) in attacking the claim that our moral ideas are given to reason have been misled by the assumption that by reason was meant our powers of deduction,

"It is an observation very necessary to be made, that the source of ideas on which I have insisted, is different from the power of reasoning, and ought, by no means, to be confounded with it." 1.

"There may be further some occasion for observing, that the two acts of the understanding, being intuition and deduction, I have in view the former. 'Tis plain, on the contrary, that those writers, who argue against referring our moral ideas to reason, have generally the latter only in view." 2.

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1. 'Review', p. 40.
 2. Ibid., p. 18. fn.

Price notes that all forms of deduction and reasoning assume the acceptance of ultimate principles which cannot themselves be deduced and for which further reasons cannot be given. Cf. p. 41. This truth does not entail that these principles are not given to reason or to the understanding.

With the use of the term 'understanding' thus specified, Price then states the crux of the debate, viz., to demonstrate the possibility that some of our ideas are given to the understanding directly,

"After the mind, from whatever possible causes, has been furnished with ideas of any objects, they become themselves objects to our intellective faculty; from whence arises a new set of ideas, which are the perceptions of this faculty. Previously to this, whatever ideas we may be furnished with, nothing is understood. Whatever subjects of knowledge there may be in the mind, nothing is known." 1.

Price's demonstration of this falls into two stages:-

- A.1. that of showing the inadequacy of sensation as a source of some of our ideas, and
- A.2. that of showing how the ideas which cannot be ascribed to sense can be ascribed to the understanding. 2.

A.1.

Price takes over from the Empiricists not only the classification of our ideas into those which are simple and those which are complex, but also the assumption that in sense-experience the mind is completely passive; on his interpretation of the Empiricist view there is no suggestion that the mind imposes its own forms upon or constructs the manifold of sensation,

1. 'Review', p. 39.
 2. In what follows I am indebted to the criticism which Professor Raphael has given of Price's arguments in his introduction to the Edition of the 'Review' and in his 'The Moral Sense', Oxford, 1947.

"Sense consists in the obtruding of certain impressions upon us, independently of our wills; but it cannot perceive what they are, or whence they are derived. It lies prostrate under its object, and is only a capacity in the soul of having its own state altered by the influence of particular causes. It must therefore remain a stranger to the objects and causes affecting it." 1.

The passivity of sense is contrasted with the activity of the understanding,

"To this purpose we may observe, first, that the power which judges of the perceptions of the senses, and contradicts their decisions; which discovers the nature of the sensible qualities of objects, enquires into their causes, and distinguishes between what is real and what is not real in them, must be a power within us which is superior to sense." 2.

On the basis of this restricted dualism Price adduces the following arguments to show the inadequacy of sense as a source of all of our ideas:-

A.11. Acknowledging his debt to Cudworth's 'Treatise on Eternal and Immutable Morality' and to Plato's 'Theaetetus' Price argues that no one sense is capable of judging the objects of another, or of comparing the objects of different senses; the faculty which does compare the objects of different senses must, therefore, be other than sense. In making these comparisons we employ the ideas of identity and diversity, so it is clear that these ideas are supplied to us by another faculty. This is not to deny that we are acquainted with these ideas in sense-experience nor to deny that we are acquainted with them within the

1. 'Review', p. 19.

2. Ibid.

limits of one sense, - we can, for example, discern identity and diversity within the field of colour - it is only to say that sense is not the only source of these ideas. Furthermore, the act of comparing ideas of different senses furnishes us with ideas which cannot be given to one sense, e.g., diversity between the senses. Since this act of comparison cannot be performed by sense itself it becomes clear that some other faculty than sense not only is the source of ideas which may or may not be given in sense, but is also the source of ideas which could not be given in sense.

A.12. Price argues that since sense-experience is passive, since it lies 'prostrate under its object' it cannot furnish us with any knowledge either of its objects or of its causes. Further, if we were confined to sense, we should not be able to distinguish between sensation and knowledge of objects and causes, and we should not be led to make enquiries about the nature of objects and their causes,

"We should rest satisfied with sensible impressions, such as light, colours, and sounds, and enquire no farther about them, at least when the impressions are strong and vigorous: whereas, on the contrary, we necessarily desire some farther acquaintance with them, and can never be satisfied till we have subjected them to the survey of reason." 1.

To the first part of Price's argument an Empiricist could rely that we do not and cannot have knowledge of the objects and causes of our impressions in this way; all statements that purport

1. 'Review', p. 19.

to be about objects and causes can be reduced to statements about sense-data. But this counter argument is no effective reply to the latter part of Price's argument, for, even if the general thesis that statements about material objects and their causes can be reduced to statements about sense-data were acceptable, we could not thereby explain away the fact that we think in terms of material objects and causes, and that in doing so we employ ideas which we cannot derive either mediately or immediately from sensation.

A.13. Price's third argument derives from a consideration of the problem of universals. Sense only informs us of particulars; it cannot, therefore, give rise to abstract or general ideas,

"Sense presents particular forms to the mind; but cannot give rise to any general ideas. It is the intellect that examines and compares the presented forms, that rises above individuals to universal and abstract ideas; and thus looks downward upon objects, takes in at one view an infinity of particulars, and is capable of discovering general truths." 1.

"Let me add, in the last place, that our abstract ideas seem most properly to belong to the understanding. They are, undoubtedly, essential to all its operations; every act of judgment implying some abstract or universal idea. Were they formed by the mind in the manner generally represented, it seems unavoidable to conceive that it has them at the very time that it is supposed to be employed in forming them." 2.

1. 'Review', pp. 19 and 20.

2. 'Review', pp. 29 and 30.

A.14. Price claims that "Sense cannot perceive any of the modes of thinking beings"^{1.} in criticism of this Professor Raphael notes that the Empiricists postulate an inner sense as the source of these ideas,^{2.} but that a further faculty is required to distinguish the ideas given to outer sense and those given to inner sense. The argument is thus similar to that given in A.11.

After giving these arguments to show that sense cannot be the exclusive source of our ideas, Price proceeds to show why some of our ideas, amongst which he includes solidity, inactivity, substance, the concepts of space and time, necessity, infinity, causation, possibility and impossibility, can be ascribed to the understanding. His arguments can be reduced to two main contentions.

A.21. Whereas in sense-experience we are acquainted with a notion which approximates towards its precise and exact form, it is the understanding alone which acquaints us with its complete form. For example, in the case of activity, whereas in sense-experience we are acquainted with the notion of resistance and inactivity, it is only in the understanding that we receive a distinct concept,

"But though we should suppose them the objects of constant experience, as well as the perceptions of reason, yet, as discovered by the former, they must be very different from what they are, as apprehended by the latter. Though for instance, experience and observation taught us always, that the alteration of motion in a body is proportional to the impressed force, and made in the line of direction in which this force acts; yet they can teach us this but

1. 'Review', p. 21.

2. Raphael, 'The Moral Sense', p. 121.

"very imperfectly: they cannot inform us of it with precision and exactness. They can only shew us, that it is so nearly; which, strictly speaking, is the same with not being so at all. The eye of sense is blunt. The conceptions of the imagination are rude and gross, falling infinitely short of that certainty, accuracy, universality, and clearness, which belong to intellectual discernment." 1.

A.22. Secondly, the understanding alone informs us of the necessary principle embodied in a concept. For example, with regard to solidity, in sense-experience we have a vague notion of solidity, but only reason can acquaint us with the necessary truth that solids are impenetrable,

"There are many instances in which two material substances apparently run into one another. It is reason, that, from its own perceptions, determine such to be fallacious appearances, and assures us of the universal and strict necessity of the contrary." 2.

Professor Raphael, in criticising the list of ideas which Price claims are given to reason, points out that the ideas enumerated are not simple ones, and argues that the criterion which should be employed to determine whether an idea is given to reason or to the understanding is not whether the idea is a simple one which cannot be given to sense, but whether the idea possesses a characteristic "analogous to the characteristic of necessity" or "is a consequential characteristic necessarily grounded upon constitutive characteristics". 3.

Now while it is true that Price argues that the discernment of the characteristic of necessity is one of the criteria which may be

1. 'Review', p. 23.
 2. 'Review', p. 22.
 3. 'The Moral Sense', p. 128.
 See below, p. 120.

employed to determine whether an idea be given to the understanding, he does not argue, and it does not seem that he needs to argue, that it is the sole criterion. It does not seem to be the case that the formation of 'a priori' concepts depend exclusively upon the discernment of the characteristic of necessity: nor does it seem to be the case that the employment of 'a priori' concepts is restricted to the elucidation of propositions which are necessarily true. In discussing the concepts of substance and cause Price adduces both criteria for determining whether the idea be given to the understanding. In discussing substance he claims,

"The idea of substance, likewise, is an idea to which our minds are necessarily carried, beyond what mere sensation suggests to us." 1.

But he also claims that the idea of substance is one that could not be given to us in sense-experience,

"which can shew us nothing but accidents, sensible qualities and the outsides of things." 2.

Similarly, in the discussion of the concept of cause, Price argues that the element of necessity is present in the principle of universal causation,

1. 'Review', p. 23.

2. 'Review', p. 23.

"Our certainty that every new event requires some cause, depends no more on experience than our certainty of any other the most obvious subject of intuition." 1.

But he also argues that the idea of cause is not given to us in sense-experience; the most that sensation can yield is that "one thing follows another" and "the constant conjunction of events". We never sense that one thing causes another, yet the assumption that everything is so caused is ineradicable from our thought. Price is not here arguing from the discernment of the element of necessity but from the inadequacy of sensation to account for the genesis of the concept.

The claim that the discernment of the element of necessity is essential to the formation and employment of 'a priori' concepts is of especial importance when we come to discuss the employment and formation of moral ideas, for it is on the assumption that the discernment of necessity is the sole criterion for attributing ideas to the understanding that Raphael urges that Price would have done better to have based his arguments for the objectivity of moral assertions and the rationality of moral discourse on the ground that moral ideas are consequential characteristics entailed by constitutive characteristics.

But if we hold that the apprehension of necessity is the sole criterion of whether an idea be given to the understanding or to

1. 'Review', p. 26.

the reason, we thereby restrict the understanding and the reason to the elucidation of that which is necessarily true. Furthermore, if we are to establish the objectivity of moral judgment by demonstrating the rationality of moral judgment, and if we understand the rationality of judgment in this narrow and restricted sense, then in trying to show the objectivity of our moral judgments we shall be committed to showing that our moral judgments are incorrigible and necessarily true. In effect, in trying to establish the objectivity of moral judgment by showing the rationality of moral judgment, we should be committed to defending the objectivist thesis in the major form.

If, however, we can attribute the formation and employment of 'a priori' concepts to the understanding without at the same time claiming that those concepts can only be used in the intuition of necessary (or incorrigible truths), we can hold that the moral judgment can be rational and objective without at the same time being incorrigible. We shall see the relevance of this in the criticism of Price's more direct arguments to show that moral ideas are ideas given to the understanding.

(B) This more direct attempt to substantiate his thesis begins with an implication from his previous argument that some ideas are to be attributed to the understanding. Since this is so, it is at least possible that our moral ideas are included amongst them,

"First, Observe, that it implies no absurdity, but evidently may be true. It is undeniable, that many of our ideas are derived from our INTUITION of truth, or the discernment of the natures of things by the understanding. This therefore may be the source of our moral ideas." 1.

Price realises that if he is to show that our moral judgments have an objective reference, he has to refute, or, at least, show that they lack sufficient ground, those theories which seek to undermine the whole project by claiming that such objectivity is illusory. He claims that no one has been able to demonstrate conclusively that all our ideas are given to sense, and that, therefore, his theory is, at least, a possibility. He approves Hutcheson's theory in so far as it demonstrates that right and wrong are simple unanalysable ideas, but he claims that the further assertion that they are the perceptions of an 'implanted sense' is left without proof. Hutcheson seems to have assumed that once moral ideas could be shown to be unanalysable then it could be taken for granted that they were the perceptions of sense. But this further question, and here he epitomises his quarrel with both Hutcheson and Hume, that moral ideas are 'felt' and not 'understood' is yet to be determined. The same consideration applies to Hume's assertion that all our ideas are either "impressions, or copies of impressions", which, he claims, is destitute of proof and when applied to this particular problem begs the question at the start.

B.2. Price then appeals to common sense,

1. 'Review', p. 41.

"I know of no better way of determining this point, than by referring those who doubt it to common sense, and putting them upon considering the nature of their own perceptions." 1.

Do we not believe that when we are pronouncing an action to be right or wrong, or a character to be virtuous or vicious, that we are saying something about the action or the character, and that we are not merely saying that the contemplation of the action or character evokes in us a feeling of approval or disapproval? It is true that most of our perceptions are accompanied by the emotions of approval and disapproval, and that these emotions are particularly keenly felt, which, perhaps, goes some way to account for the plausibility of the subjectivist's account, but, Price claims, we need to distinguish, and common sense believes that it does distinguish, between the judgment that an action is good and the emotions of approval and disapproval which that judgment evokes.

Price's appeal to common sense and to the deliverances of introspection can hardly succeed. He himself claims that common sense often misleads us - as in the attribution of secondary qualities to objects - and he can hardly claim that common sense is to be trusted in the epistemology of morals when it cannot be trusted in the epistemology of perception. No reliance can be placed upon the deliverances of introspection because the deliverances of introspection differ. Some philosophers and some laymen claim that in the process

1. 'Review', p. 43.

of moral judgment they cannot distinguish, in addition to the contemplation of the action and the experiencing of an emotion of approval or disapproval which that contemplation evokes, a judgment that the action has a moral characteristic. It is not, therefore, by appealing directly either to common sense or to introspection that Price can hope to achieve his aim. He does, however, indicate two lines of approach to the problem which are more likely to be successful. The objectivist can proceed either by showing that the subjectivist fails to do justice to particular features of the content and process of moral judgment which, if they are not held explicitly to characterise moral experience, are, at least, implied in our discourse about moral experience, or by showing that moral assertions can be seen to have more in common with statements which on all sides are admitted to have objective import than with those which are admitted to have only a subjective import.

An example of the first of these procedures may be found where Price points out that if the subjectivist theory were true (on either formulation, whether moral assertions are held to be statements that I experience an emotion of approval or disapproval, or whether they are held to be expressions of that emotion) then an action would only be right or wrong where it evoked the emotion of approval or disapproval.

On Hume's view which states that moral judgment consists in experiencing and expressing an emotion of approval or disapproval

upon the contemplation of the nature of an action, and which denies that a judgment that the action has a moral characteristic intervenes between the contemplation of the nature of the action and the experience of the emotion of approval or disapproval, it is difficult to account for the fact that we seem to be able to experience an emotion of approval and to doubt whether that emotion is appropriate, simultaneously.^{1.} On this view to say that an action has a moral characteristic is to say that an emotion of approval or disapproval is felt upon contemplating the action; to doubt that the action or the character is good is then to doubt that the emotion is experienced. But are there not cases where we do not doubt that we experience a particular emotion of approval, but do doubt whether that emotion is appropriate? Further, in retrospect we can say "at that time, I thought that action x was the right action, but now I see that it was the wrong action"; now, on Hume's view, this must mean "at that time when I contemplated the action I experienced a certain emotion of approval, and now when I contemplate the action I experience a different emotion". It is true that the statement conveys that I have changed my attitude towards the particular action in the time which has elapsed between making the two judgments, but is this all that it does convey? Does not my assertion that I now think that action A was wrong say something about the appropriateness of the action then, and is not merely describing or expressing my attitude now?

1. Cf. A.C. Ewing, 'The Definition of Good', p. 6.

I think that Price could allow (a) that sometimes when we seem to be making moral assertions we are merely expressing our feelings, and (b) that sometimes we do experience emotions of moral approval and moral disapproval without making a prior judgment that what is approved is right or wrong. By habit our emotions come to be linked or associated directly with our perceptions that actions have certain non-moral characteristics, and do not, therefore, require a moral judgment for their evocation. Sometimes, when we seem to be making moral assertions we are merely expressing emotions which arise not from a moral judgment, but, in Hume's words, from "a smooth transition of the imagination". But neither of these admissions would invalidate the main contention that not all of our moral assertions are to be analysed in this way, and that at least some of them presuppose a moral judgment.

Of the second procedure, namely that of comparing moral assertions with those assertions whose objective import is undoubted, Price says,

"Let any one compare the ideas arising from our powers of sensation with those arising from our intuition of the natures of things, and enquire which of them his ideas of right and wrong most resemble." 1.

In applying this procedure we should be mindful of the need to distinguish the two kinds of objectivity, in default of which Price's treatment is obscured by the assumption^{PT} that the demonstration that

1. 'Review', p. 44.

our moral assertions have an objective reference requires the demonstration of the incorrigibility of moral assertions. At the same time we need to avoid assuming that all forms of judgment must be either completely subjective or objective in the sense required by the incorrigibility of moral assertions. It would be misleading to assume that all judgments were either of the one kind or of the other. If we avoid these pitfalls, we can try to show that moral assertions are given to the understanding by showing that they are corrigible in the ways in which other statements which are commonly taken for granted as being understood are corrigible, and in ways in which our sensibilities are not corrigible.

B.3. This consideration introduces us to Price's third argument. He claims that if right and wrong were ideas given to sense then since sensations are secondary qualities and the ideas given to sense cannot be attributed to external objects, it would be absurd to predicate right and wrong of external actions. Common usage does not, however, find it absurd to say that actions are right and wrong. As it stands this argument will not do, for it can be answered that although sensations are secondary qualities - if we accept this - common usage does not find it absurd to predicate of objects the ideas given to sense; moreover, Price cannot rely on common usage in ethics when he is prepared to reject the findings of common usage for the epistemology of perception. He would, however, be justified in showing that we normally regard moral assertions to be arguable in ways in which we do not regard statements about our sensations and feelings to be arguable.

If, when we say of an apple that it is sweet, we mean just that it appears sweet to me - or rather if this the whole of what we are justified in meaning, and it is of course, arguable that this is all that we are justified in meaning when we say that an apple is sweet - then your assertion that this apple is sweet is not incompatible with my assertion that this apple is not sweet in the same way as it would be if the sweetness was a property of the apple. If we wished to argue with each other on this score we should direct our attention to showing not that the object had certain qualities but to showing that we had each made mistakes about our own experiences. Now if we assured ourselves that we had not made mistakes about our own psychology, and we still found that there was disagreement amongst us, then there would be nothing more that we could do to convince each other, or to reconcile the differences between us; this apple would taste sweet to you but not to me, this wine would taste brackish to you but not to me. Nothing more could be done or said. Now if by 'Z has a good character' were meant that the contemplation of Z's character evokes the emotion of approval in the person making the judgment, the only way in which we could question the statement would be to question whether the emotion was experienced whenever the character of Z was contemplated. Normally, in an argument concerning the validity of a moral judgment we should not rest content with satisfying ourselves that the person who made the judgment has in fact made a correct statement of the relevant emotions of approval or disapproval which he had experienced - otherwise the most

practically wise would be he who is best at introspection and best at stating the deliverances of introspection faithfully - we should go further and ask whether the person was justified in feeling such emotions, and we should expect the justification to be given in terms of the moral appropriateness of the action.

B.4. Price's fourth argument is that if moral judgments were judgments about sensations, then, since we cannot be mistaken in our judgments about our sensations we could not make mistakes in moral judgment,

"How strange would it be to maintain, that there is no possibility of mistaking with respect to right and wrong; that the apprehensions of all beings, on this subject, are alike just, since all sensation must be alike true sensation?" 1.

Such an argument would be valid against an Empiricist who maintained that we cannot be mistaken in, at least, some of our judgments about our sensations or feelings, and, indeed, against anyone who maintained that the basic intuitions of sensation were incorrigible; Price does assume the veridical nature of sensation in this way, but his argument is of no avail against one who holds that none of our judgments, not even those of sense, are incorrigible.

Raphael points out that Price's argument in this becomes a double edged weapon. If we hold that we can make a mistake in our judgments of right and wrong, then it follows that we cannot assimilate

1. 'Review', p. 47.

the nature of our moral judgments to the nature of our judgments about our sensations, if we suppose that the latter are incorrigible; but such a claim will also show that we cannot have knowledge of right and wrong.

"If Price admits the possibility of error in moral judgment, how can we be said to know that an action is right?" 1.

The contention that the possibility of error is incompatible with knowledge is an important one for rationalist theory and requires careful elucidation. It can be interpreted in two ways: firstly, it may be held that knowledge precludes being in error, that is, if 'I know p' is true, then it could not be the case that I am mistaken as to the truth value of p; secondly, it may be held that knowledge precludes the possibility of being in error, that is, if 'I know p' is true, then I could not be mistaken as to the truth value of p.

Now, let us suppose that I can be said to know p where (a) p is true, (b) I believe that p is true, and (c) I have sufficient evidence for believing that p is true. Given these suppositions, it follows that my knowing p precludes the possibility that I am mistaken as to the truth value of p, for it could not be the case simultaneously that I am mistaken as to the truth value of p, that p is true, and that I believe p to be true. But, given these suppositions, it does not follow that my knowing p excludes the possibility that I might have

1. Raphael, 'The Moral Sense', p. 136.

been mistaken as to the truth value of p , for it is quite consistent to say both that I know p , and that I could have been mistaken as to its truth value. If this argument is correct, then the fact that knowledge precludes being in error does not entail that knowledge precludes the possibility of being in error. We may know an action to be right or wrong, even though we could have been mistaken.

To deny the validity of this latter claim is to assert that we can only be said to have knowledge if it is impossible for us to make mistakes in moral matters; under such a construction we should only know what, if we exercise our judgment, we must know. It might be sought to establish such a conclusion upon the following premises: (a) we only have knowledge of what is necessarily true, and (b) we only know what we know that we know. Consequently, it may be argued, we only know what, if we exercise our judgment, we must know. The first premiss, that all knowledge is knowledge of necessary truth is made plausible by an ambiguity in the construction of necessity. This may be illustrated by considering the following proposition: 'If I know p , p must be true'. Now the phrase ' p must be true' might be interpreted either as (a) it could not be the case that p is false, or as (b) it is not the case that p could be false. If we make this distinction we can see that what is entailed by 'I know p ' is not the necessary truth of p but the truth of p ; for while 'If I know p , p must be true' can be legitimately translated into 'If I know p , then p is true', it cannot be legitimately translated into 'If I know p , then p must be true'. It is the truth of p , and not the necessary truth of p , which is entailed

by my knowing p. If we make this distinction we can see that we are not compelled to hold that all knowledge is knowledge of necessary truth. And given that I may have knowledge of contingent truth, then it is possible that the proposition 'that I know a proposition to be true' is itself a contingent truth. It may be objected that in order for me to know p it is not sufficient that p is true; it must also be the case that I am certain that p is true, and since we can only be certain of necessary truths, we cannot be said to know contingent truths. This objection can only be set aside, and contingency dissociated from error, if we can establish that there are criteria by which we can be certain of the truth of contingent truths. 'Prima facie' it does not seem to be the case that we cannot be certain of their truth, for normally we are inclined to say that we are certain that, say, 'I am now sitting at this typewriter' is true, if we can eliminate all reasonable doubt as to its truth. It is possible, of course, that when I think that I am sitting at this typewriter, I am being deceived; I may be dreaming, or suffering hallucinations, and what I sit in front of may not be a typewriter. Yet if I take steps to ensure that I am not suffering from such or similar deceptions, and I am successful in allaying such doubt, then we normally hold that I can say that it is certain that I am sitting in front of a typewriter. That is, if within any given frame of reference we can say that there is no reasonable ground for doubting the truth of a proposition, we can be said to be certain of its truth. Now if the possibility of knowledge of contingent truth can be established in this way, we can deny the

truth of premiss (a) above, and, 'a fortiori', the truth of the claim that we cannot legitimately be said to know what we do not of necessity know. If this argument is correct then it is at least a possibility that the proposition that we can know some moral truths is itself a contingent truth.

If our distinction between knowledge precluding error and knowledge precluding the possibility of error is valid, then we can say that there is a sense in which Price's claim that we do have knowledge of right and wrong is consistent with the claim that it is possible for us to make mistakes in moral judgment. Inconsistency does arise, however, if we take Price to argue, as he does when he claims that our consciences are infallible, that we do not make mistakes on moral issues; Raphael's criticism is valid when he points to Price's attempt to say both that our intuitions are infallible and that we do make mistakes, but it is not valid when he suggests that Price is inconsistent because he holds both that we are liable to make mistakes in moral judgment and that we have knowledge of right and wrong.

B.5. A fifth argument which Price adduces is as follows:- we normally hold that the moral characterisation of an action is independent of the disposition of the agent who characterises, and that the rightness or wrongness of an action does not vary with changes in our dispositions. Now our feelings and dispositions do vary. If then the attribution of a moral characteristic was a statement about our own psychology, we should expect that the 'rectitude' of an action would be capable of the

degrees of variation of which our feelings are capable and that it would vary as they vary. It is clear, however, that we do not think that the moral rectitude of an action varies in this way. There is, however, an ambiguity in the use of the term 'feeling' which makes the subjectivist theory plausible. We often use the term 'feeling' to refer not only to sensations and emotions but also to ill-defined convictions or hunches that something is the case. We feel that something is likely to occur or that an object has a particular characteristic. In such cases we often cannot specify immediately what it is that we 'feel' to be the case, nor can we give adequate reasons for asserting to be the case what we 'feel' to be the case; we do not, however, exclude the possibility that after reflection we may be able to specify in greater detail, and that we may be able to verify or justify the content of the feeling. Some of our moral judgments begin from such feelings-that-; we feel that a certain action would be appropriate without being able to say immediately why they are appropriate. It is clear, however, that such feelings-that have objective import and need to be distinguished from sensations and emotions.

B.6. Price's last argument is that if the subjectivist account is correct, then actions cannot be right or wrong in themselves,

"In the last place; let it be considered, that all actions, undoubtedly have a nature. That is, some character certainly belongs to them, and somewhat there is to be truly affirmed of them. This may be, that some of them are right, others wrong. But if this be not

allowed; if no actions are, in themselves either right or wrong, or any thing of a moral and obligatory nature, which can be an object to the understanding; it follows, that, in themselves, they are all indifferent." 1.

Professor Raphael impugns the validity of this argument on the grounds that Price has confused the demonstration that actions have ethical characteristics with a demonstration that actions have some characteristics, and that he appeals from the fact that they must have some characteristics to show that they must have some moral or ethical characteristics. If such was Price's procedure then the argument must fail, for it can be no proof that actions have moral characteristics to show that they must have some characteristics. But the truth of this does not invalidate what seems to be Price's main point, namely, that if moral assertions are statements about or expressions of our own emotions, they cannot be statements about actions; the subjectivist, therefore, does violence to our belief that the rightness or wrongness of an action does not depend upon the mode of its apprehension. In stating this, Price, due to the mistake as to what the demonstration that our moral assertions have objective reference requires, assumes that moral characteristics must always be clearly discerned to be qualities or properties which actions possess, that they must be discerned to be either 'in', or 'of the nature of' or 'of the essence of' the action. In order to show that moral predicates characterise actions he did not have to show that moral qualities are characteristics which are always clearly and infallibly discerned to inhere in actions.

1. 'Review', pp. 47, 48.

In considering these arguments we have noted that the first only establishes the possibility that moral ideas are given to the understanding, that the second, which appeals to common sense and to introspection, cannot succeed, because common sense and introspection give conflicting evidence, that the third which appeals to common usage, cannot succeed, because common usage like common sense can be philosophically misleading, and that the fourth can only succeed on the assumption that we cannot be mistaken in our judgments about our sensations. Thus far Price's arguments are inconclusive, but in expounding them he has suggested two criteria which are of service to the objectivist, viz., that the objectivist can show that the subjectivist does violence to what we hold to be features of moral experience, and that he can show that our moral assertions have more in common with statements which are admitted to have objective import than with those which have only a subjective import. With regard to the first of these he can show that the subjectivist cannot do justice to our belief,

(a) that moral predicates characterise the actions which they purport to characterise, as Price indicates in the sixth argument,

not (b) that actions are only right or wrong when they evoke emotions of approval and disapproval,

(c) that the validity of moral assertions does not vary with the variations in the strength of our feelings and emotions, - as indicated in the fifth argument,

(d) that moral assertions are not just statements about our own psychology, and ^{that} our criticism of moral judgment is not exhausted by verifying statements about our own psychology, and

(e) that when we feel emotions of approval or disapproval upon contemplating an action, we sometimes doubt whether such feelings and emotions are morally appropriate.

By the second of these procedures Price could show (a) as against those who hold that moral assertions are expressions of feeling and emotion, that we normally hold and act on the assumption that our moral assertions are corrigible, and (b) as against those who hold that moral assertions are statements about our having or tending to have emotions and feelings, that we hold moral assertions to be corrigible in ways in which these statements are not corrigible.

It will have been noted that in the course of these arguments, with the exception of the last which claims that moral qualities are always clearly discerned to inhere in actions, Price, in his attempt to show that moral ideas are given to the understanding and have an objective reference, has not had to rely upon the assumption that moral perception is incorrigible. Indeed, he has explicitly argued that one of the objections which can be brought against the subjectivist theory is that it would imply that our moral assertions were incorrigible. Consequently, the ground which he has chosen to refute Hume's moral solipsism is compatible with the view that moral perception is corrigible. That this is so is of great importance for the social and political implications

of his account of the nature of moral judgment.

It now remains to discuss Price's assumptions that (a) our moral perceptions are incorrigible and that (b) they are instances of 'necessary' truth. At the outset two things need to be said:- firstly, that Price's treatment of the question whether our moral perceptions are incorrigible is neither consistent nor fully worked out. Although he asserts that the principles of morals can be seen to be self-evidently true, yet he notes several features of moral judgment which are incompatible with the claim that our moral perceptions are thus incorrigible. Secondly, he never demonstrates either that our moral perceptions are instances of incorrigible knowledge, that they are instances of propositions which are 'necessarily' true, or that they can always be seen 'self-evidently' to be necessarily true. As we have suggested earlier, Price makes these assumptions because he believes that they are entailed by the claim that our moral perceptions have objective reference. Tentatively we suggest that these assumptions were taken for granted on the misleading construction of the demands of knowledge; that is, Price seems to have assumed that if it is the case that we have knowledge of moral truth, then it must also be the case that we have 'self-evident' knowledge of moral principles which are 'necessarily' and incorrigibly true. If, however, the analysis, which we have offered in the discussion of the possibility of error, of the ways in which we may be misled to suppose that if we have knowledge then we have knowledge of 'necessary truth' is correct, then we see

that the assumptions that are forced upon the epistemology of morals are unwarrantable. And if it is the case that we can have knowledge of moral truths without its also being the case that those truths are 'necessarily' and 'self-evidently' true, and without it also being the case that all our moral perceptions are incorrigible, then we can discard these assumptions. In doing so, we shall be able to see more clearly the relevance of the distinctions between the different formulations of the objectivist thesis.

When Price deals with the nature of moral judgment apart from his epistemological pre-occupations, he notes several features of the way in which we do make judgments in moral contexts which cannot be reconciled with the assumptions that our moral perceptions are incorrigible and that they are instances of propositions which are 'necessarily' and 'self-evidently' true. First, let us consider the difficulties of holding that our moral perceptions are incorrigible.

If it were the case that our moral perceptions were incorrigible, then it could not be the case that we could suffer moral perplexity. We could never be in doubt as to the moral value of an action or character. It can thus be seen that the claim that our moral perceptions are incorrigible obliterates the force of Price's distinction between 'objective' and 'subjective' rectitude. If it were the case that we did always clearly apprehend the moral nature of an action, then there would be no point to the distinction between 'that which we ought to do' and 'that which we think we ought to do'.

At this point it may be objected that, although it must be conceded that we are liable to error and perplexity in determining our obligations, the source of that error is restricted to the determination of the non-moral facts of the situation. It may thus be claimed that when we deliberate what we ought to do, although we are liable to error, we are only so liable with regard to the nature of the circumstances; we do not make mistakes as to what is morally required of us in the circumstances as we take them to be. We do not, it may be claimed, make mistakes in what, in order to distinguish it from the judgment as to the facts, we shall call the specifically moral judgment. If this claim were valid then it would be the case that all our perplexities, disagreements and tendencies to error would arise concerning the facts alone. On the specifically moral issues there would be no mistakes, no perplexity, no doubt and no disagreement. But this does not seem to be the case, nor does Price hold that it is so. In addition to conceding that difficulties and disagreements arise over the non-moral facts he also concedes that there are difficulties in determining which moral principle should take precedence in the determination of what is morally required. He instances the difficulty of applying the principles of self-love and benevolence due to the difficulty of determining the consequences of actions,

"Until we can in every particular know what is good or bad for ourselves and others, and discover the powers and qualities of objects, and what will result from any application of them to one another, we cannot always demonstrate what either of these principles requires." 1.

1. 'Review', p. 169.

But in addition to the difficulty of determining the consequences of actions, there is also the difficulty of determining what is obligatory in those instances in which there appears to be a conflict of the 'self-evident' principles of obligation.

"What creates the difficulty in morals of determining what is right or wrong, in many particular cases, is chiefly the interference now mentioned in such cases between the different general principles of virtue - Thus, the pursuit of the happiness of others is a duty, and so is the pursuit of private happiness; and though, on the whole, these are inseparably connected, in many particular instances, one of them cannot be pursued without giving up the other In like manner; the nearer attachments of nature or friendship, the obligations to veracity, fidelity, gratitude, or justice, may interfere with private and public good, and it is not possible for us to judge always and accurately, what degrees or circumstances of any one of them compared with the others, will or will not cancel the obligation, and justify the violation of it." 1.

Furthermore, Price admits, difficulties arise not only in determining which particular moral principle should be applied, but in determining the degree of emphasis which should be placed upon a particular principle,

"The rules of judging are universally the same. Those who approve, and those who disapprove, go upon the same principles. The disagreement is produced by the different application of them. The error lies in imagining that to fall under a particular species of virtue, which does not. And it is just as reasonable to expect disagreement here, as in the application of the received principles of knowledge and assent in general." 2.

In addition to these implicit admissions that our specifically moral judgments are corrigible, Price also explicitly affirms that our

1. 'Review', p. 167.
2. 'Review', pp. 171, 172.

moral understanding is capable of infinite improvement,

"The understanding may be very properly considered, as either moral or speculative. Our speculative understanding is evidently capable of infinite improvement; and therefore our moral understanding must be so likewise; for these being only different views of the same faculty, must be inseparably connected, and cannot be conceived not to influence each other. Every improvement of the speculative knowledge of a good being; every advance in the discovery of truth, and addition to the strength of his reason, and the extent and clearness of its perceptions, must be attended with views of moral good proportionably more enlarged and extensive; with a more clear and perfect acquaintance with its nature, importance and excellence; and consequently with more scope for practising it, and a more invariable direction of the will to it." 1.

The difficulties which attend the claim that our moral perceptions are incorrigible apprehensions of objective truth also attend the claim that our moral judgments are instances of propositions which are 'necessarily' and 'self-evidently' true. There are, however, further difficulties. If this latter thesis were valid, then there would be complete agreement amongst conscientious men as to what these moral principles were, and there would be complete agreement that they can be seen to be 'necessarily' and 'self-evidently' true. But this is not the case; not only are there differences of opinion in moral judgment, but, even where there is agreement, there are denials that what is taken to be true can be seen to be 'necessarily' and 'self-evidently' true.

1. 'Review', p. 225.

Secondly, if it were the case that all moral judgments are instances of propositions which are necessarily true then it would be the case that each moral judgment is the instance of a proposition which is universally true. It would also be the case that all 'self-evident' truths are universally true. When, however, we come to examine the lists of principles which rational intuitionists claim can be seen to be 'self-evidently' true, it is difficult to find one which is of universal application. Yet if the theory were true it should be impossible to find one which is not. The following are cited by Price:- Gratitude is due to benefactors, Reverence is due to our Creator, It is right to study our own happiness, An innocent being ought not to be made miserable, It is wrong to take from another the fruit of his labour. These, he claims, are

"axioms, the truth of which appears as irresistibly as the truth of those which are the foundation of Geometry." 1.

To these he adds our obligations under the heads of virtue, benevolence, veracity, fidelity and justice. Of the latter he says,

"This word is sometimes used to signify the whole of virtue and righteousness; but, most commonly, it is more confined in its signification, and means, either that part of universal righteousness which concerns our behaviour to mankind, or, yet more restrictively, that part of righteousness which regards property and commerce." 2.

Included amongst the principles upon which the rights to

1. 'Review', p. 169.
2. 'Review', p. 157. fn.

possession of property are founded are the rights conferred by first possession, prescription, donation and succession; these principles contain an intrinsic rectitude quite apart from the good produced by acting in accordance with them,

"That first possession, prescription, donation, succession, etc. should be circumstances which alter the nature of a case, determine right and wrong, and induce obligation, where otherwise we should have been free, is not less conceivable than that benefits received, private or public interest, the will of certain beings, or any of the other considerations before insisted on, should have this effect. There is no other account to be given of this, than that 'such is truth, such the nature of things'." 1.

It is, however, especially difficult to see how these principles which Price claims are to be used in determining rights to property, can be either of universal application or self-evidently true. And the difficulty of maintaining this doctrine makes itself even more sharply felt when we consider the problem of conflict of duties. There are instances where our obligations under one head of virtue conflict with our obligations under another head; and if this is true of all the principles of obligation then it cannot be the case that they are principles of absolute obligation and universal application. In answer to this problem and in an attempt to establish that there are some moral principles which can be seen to be of universal application, it has been urged by some philosophers, notably by Ross, that such universal moral principles are not principles of absolute obligation but principles of 'prima facie' obligation. It is held that the possession of particular characteristics by an action, entails

1. 'Review', p. 158.

not that the performance of the action is obligatory but that the performance of the action is 'prima facie' obligatory. There is, for example, a 'prima facie' obligation to keep a promise.

1.
As Ross himself points out, the phrase "'prima facie' obligation" does not adequately express what is required; on the one hand it suggests too much if it suggests that 'prima facie' obligations are a certain kind of obligation, for that action which is 'prima facie' obligatory is not as such obligatory; on the other hand, if it suggests that a 'prima facie' obligation is something which appears to be an obligation but which on inspection turns out to be inappropriate, then it suggests too little for a 'prima facie' obligation is not a 'prima facie' obligation by virtue of an illusive quality. Now when this concept is used in defence of the rationalist claim that some moral principles can be seen to be universally, necessarily and self-evidently true, it creates as many difficulties as it purports to solve. It is maintained that while the principle "You ought to keep promises" is not a 'Necessary' and 'self-evident' truth, the principle "You are 'prima facie' obliged to keep promises" is. It will be noted that a distinction is thus made between an obligation and a 'prima facie' obligation. Now it may be asked, "Is the element of obligatoriness in a 'prima facie' obligation the same as the element of obligatoriness in an obligation?" If the answer is in the affirmative - if the 'oughtness' of a 'prima facie' obligation is the same as the 'oughtness' of an obligation - then the force of the term 'prima facie' is that of an adjective. A 'prima facie'

1. Ross, 'Foundations of Ethics', pp. 84, 85. Ross adopts Carritt's suggestion that a 'prima facie' obligation should be termed a 'responsibility'; Cf. 'Morals and Politics', p. 185.

Cf. Ross, 'The Right and the Good', p. 20.

obligation is an obligation which is 'prima facie' an obligation. On this interpretation - manifestly not the interpretation intended by Ross - then the element of obligatoriness cannot be an entailed characteristic, for the objections which apply to the universality of principles of absolute obligation will still apply to the principles of 'prima facie' obligation. That which is 'prima facie' an obligation is only that which appears or seems at first sight to be an obligation and may on inspection turn out not to be an obligation. The point of saying that it is an entailed characteristic, namely, that it is always present, will be negated by the implication in the use of 'prima facie' that it may not be present.

On the other hand, if the element of obligatoriness in a 'prima facie' obligation is different from the element of obligatoriness in an obligation - so that we need to read "'prima facie'-obligation" as a noun substantive, - other difficulties present themselves. The rationalist who wishes to claim that all moral ideas are entailed ideas is then in need of a principle which shows how the obligatoriness of an obligation is entailed by "'prima facie' obligatoriness". Ross suggests that the action which is obligatory is that which has a greater balance of 'prima facie' obligatoriness over 'prima facie' disobligatoriness than any other action available to the agent. It will immediately be noticed that this procedure involves treating the characteristic of 'prima facie' obligatoriness in a quantitative manner. It follows either that some actions are seen to have more 'prima facie' obligatoriness than

others, or that they are seen to have more elements of 'prima facie' obligatoriness than others. If this were so then it would seem to be the case that we could arrange the different kinds of action available in a hierarchy from which rules of preference could be deduced as, for example, where the obligation to keep a promise conflicted with the obligation to tell the truth, all other things being equal, one ought to choose to keep a promise rather than to tell the truth. And thus it might seem that we could always determine what we ought to do by consulting such a hierarchy. But apart from the difficulties of holding that we do order our obligations strictly in such a fashion (for we do not seem to be able 'a priori' to exhibit such orders of preference and precedence) and of holding that we intuit that an action possessing a non-moral characteristic X necessarily possesses a degree of 'prima facie' obligatoriness, this procedure does not solve the problem. For even if we could arrange our 'prima facie' obligations in such an order, such a scheme would not of itself be sufficient to determine our particular obligation in any one situation. For even if we did possess such a scheme, since we could not tell 'a priori' how many elements of 'prima facie' obligatoriness an action would have, and since we could not tell 'a priori' how many non-moral characteristics which would entail the possession of 'prima facie' obligatoriness an action would have, we could not determine 'a priori' whether or not the action was obligatory. For this reason the obligatoriness of particular actions cannot be exhibited in the form of rules which apply universally or necessarily. Thus it cannot be

maintained that obligatoriness in this sense is always an entailed characteristic. That this is so is fatal to the view that all our moral ideas are entailed ideas.

A further difficulty of holding that all our moral ideas are entailed ideas is that the contention is in danger of conflicting with Price's claim that moral values are indefinable and that moral insight is unique. For if it were the case that moral characteristics were entailed by non-moral characteristics, would it not also be the case that moral insight would be reducible to the perception that actions have non-moral characteristics and the perception of the logical relation of entailment ?

In discussing Price's treatment of the question whether our ideas are given to the understanding Professor Raphael suggests that he would have done better to have shown that the criterion for deciding whether judgment is rational or not, is whether the judgment involves the apprehension of the element of necessity. He notes that in one instance Price departs from his original classification of ideas into simple and complex and suggests a further class, namely, subsequent ideas. In doing so, Raphael suggests, he anticipates Ross's distinction between constitutive and consequential ideas,

"'Tis obvious, that the ideas now meant presuppose certain subjects of contemplation, of whose natures, connexions and qualities they are perceptions. And, therefore, the division of all our simple ideas into original and subsequent ones may not, perhaps, be improper.

"The former are conveyed to us immediately by our organs of sense, and our reflexion upon ourselves. The latter presuppose other ideas, and arise from the perception of their natures and relations." 1.

The resemblance with Ross's view is marked, but it does not seem to be necessarily the case that if an idea is to be a consequent or subsequent idea that it must also be an entailed idea, nor does it seem to be the case that if the consequent idea is to presuppose and depend upon other ideas that the relation of dependence must be that of entailment. As we suggested earlier it might be the case that there are other criteria for determining whether an idea be given to the understanding; and if we are both to avoid reducing the moral insight to logical insight, and to maintain that moral judgment is a function of the understanding, then it will have to be the case that there are other criteria than the discernment of entailment relations for attributing ideas to the understanding.

The extent of Price's inconsistency in dealing with the question of the corrigibility of moral judgment can be seen in his account of the nature of intuition. Professor Raphael has noted that Price was the first to use the term 'intuition' in an ethical context, and Professor Stocks has noted that Price was the first to 'complicate the tradition' of the direct apprehension of self-evident truths by applying it to moral judgment,

"The moral intuition was for him an intellectual act, containing its own evidence, and not requiring or admitting of direct substantiation from without." 3.

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1. 'Review', p. 38.
 2. 'Review', (Raphael's Editorial Introduction), p. XIV.
 3. J.L. Stocks, 'Reason and Intuition', London, 1939, p. 3.

Price, it is true, often speaks in the language of Descartes; he frequently asserts that the principles of moral judgment are seen to be self-evidently true,^{1.} and that they are universally accepted; he claims, although inconsistently with his admission that the moral understanding is capable of infinite improvement, that the "practical errors of men have arisen from their speculative errors"^{2.} and that the

"grand lines and primary principles of morality are so deeply wrought into our hearts, and one with our minds, that they will be for ever legible. The general approbation of certain virtues, and dislike of their contraries, must always remain, and cannot be erased but with the destruction of all intellectual perception." 3.

When he explicitly deals with the nature of intuition, his preoccupation with Cartesian methodology is even more evident,

"The second ground of belief is INTUITION; by which I mean the mind's survey of its own ideas, and the relations between them, and the notice it takes of what is or what is not true and false, consistent and inconsistent, possible and impossible in the natures of things. It is to this, as has been explained in the first chapter, we owe our belief of all self-evident truths; our ideas of the general, abstract affections and relations of things; our moral ideas, and whatsoever else we discover, without making use of the process of reasoning --- It is on this power of intuition, essential, in some degree or other, to all rational minds, that the whole possibility of all reasoning is founded. To it the last appeal is ever made. Many of its perceptions are capable, by attention, of being rendered more clear; and many of the truths discovered by it, may be illustrated by an advantageous representation of them, or by being viewed in particular lights; but seldom will admit of proper proof- ----- Some truths there must be, which can appear only by their own light, and which are

1. 'Review', p. 168. 'The principles themselves, it should be remembered, are self-evident'. cf. p. 169. quoted above. p. 115.
 2. 'Review', p. 171.
 3. 'Review', p. 173.

"incapable of proof; otherwise nothing could be proved, or known; in the same manner as, if there were no letters, there could be no words, or if there were no simple and undefinable ideas, there could be no complex ideas. --- I might mention many instances of truths discernible no other way than intuitively, which learned men have stangely confounded and obscured, by supposing them subjects of reasoning and deduction." 1.

"It may be worth observing, that all we believe on any of these grounds (i.e., feeling, intuition, argumentation and deduction) is not equally evident to us. This is obvious with respect to the last, which supplies us with all degrees of evidence, from producing full certainty, to the lowest probability. Intuition, likewise, is found in very various degrees. It is sometimes clear and perfect, and sometimes faint and obscure (3). Several propositions in geometry would appear very likely to it, though we had no demonstrations of them. --- Neither do consciousness, memory, and reflexion on ourselves convince us equally of all we discover by them. It may also be worth mentioning, that some things we discover only in one of these ways, and some in more, or in all of them. All that we now prove by Reasoning might be still equally thus proved, though it were in the same degree intuitive to us, that it may be to beings above us. Intuition is not always incompatible with argumentation, though, when perfect, it supersedes it; and when imperfect, is often incapable of receiving any aid from it; and, therefore, in such cases, ought to be rested entirely on its own evidence. Every process of reasoning is composed of intuitions, and all the several steps in it are so many distinct intuitions; which, when clear and unquestionable, produce demonstration and certainty; when otherwise, give rise to opinion and probability. Nothing would be a greater advantage to us, in the search of truth, than taking time often to resolve our reasonings into their constituent intuitions; and to observe carefully, what light and evidence attend each, and in what manner, and with what degree of force, they infer the conclusion. Such a custom of analysing our sentiments, and tracing them to their elements and principles, would prevent much error and confusion, and shew us what degree of assent is due to the conclusions we receive, and on what foundation our opinions really stand." 2.

Price admits that our intuitions can receive aid from argumentation, and this admission seems at first sight to conflict with the contention that moral principles are self-evident truths. On the

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1. 'Review', pp. 97, 98.
 2. 'Review', pp. 99, 100.
 3. Edition I reads 'wavering': Edition 2 'obscure'.

basis of the distinction between psychological self-evidence and logical self-evidence it may, however, be replied that it is only psychologically that our intuitions receive aid from argumentation and reflexion; that is, that by reasoning we come to see the clarity of those principles which we are psychologically incompetent to grasp immediately. It may, however, be the case that reflexion not only dispels psychological inhibitions but also leads to a greater and creative insight into the meanings of the terms which we employ in moral judgment. It may be the case, and if we are to hold that moral judgment is in principle corrigible we shall need to show that, the faintness and obscurity which Price admits are characteristics of moral judgment are due not only to the psychological defects of our modes of apprehension but are part of the nature of moral judgment in itself.^{1.} It will be seen that Price's preoccupation with the Cartesian methodology, in particular with his preoccupation with linear inference, distract his attention from considering moral judgment on its own merits. He assumes (a) that analysis of moral

1. In his 'Observations on the Importance of the American Revolution', Price reminds us of Aristotle's caution that we should not expect exact demonstration in those matters which are not capable of it. 'There is, however, a danger to be avoided here. Mathematical studies may absorb the attention too much; and when they do they contract the mind by rendering it incapable of thinking at large; by disqualifying it for judging of any evidence except mathematical; and, consequently, disposing it to an unreasonable scepticism on all subjects which admit not of such evidence.' p. 58.

judgment is comprehensive, (b) that we proceed by "resolving our reasonings into their constituent intuitions", and (c) that by this process of analysis and simplification we resolve our opinions into their elements and principles, which are the basic self-evident principles from which all reasoning must proceed and upon which all reasoning must be based. These assumptions, we suggest, not only distort the psychology of moral judgment, but also distract its epistemology, for it can well be argued that moral judgment consists not in the subsumption of particular instances under general rules, but in the qualification of general rules in particular instances. If this is so then all moral reasoning is not necessarily rigorously deductive. As we have seen in our discussion of 'prima facie' obligation it cannot be held that the intuition that a particular action is obligatory is the intuition of an entailment relation, for the reason that we do not have universal principles which exhaust the particularity of any situation. If this is correct, then all application of moral rules proceeds by the extension, modification and qualification of general rules to particular instances, and it is, therefore, misleading to construct this procedure as the subsumption of particular instances under general rules and the strict deduction of the former from the latter. Even if, however, we accepted the assumption that all reasoning in morals is linear in character, we would not need to accept Price's implications that it must proceed from self-evident truths. Of course, if we held that we have incorrigible knowledge of truths in morals, and that our conclusions derive rigorously

from general principles, we should also have to hold that those principles are incorrigible; further, if we held that the functions of reason in moral judgment is restricted to deduction from basic principles and the apprehension of those principles, then we should also have to hold that all rational intuition in morals is incorrigible. But we would only be forced to assume that our intuition of basic principles is incorrigible if we assumed that all our conclusions are incorrigible. If, however, we leave the corrigibility of the latter an open question, then we are not required to assume that the basic principles are incorrigible. Price argues that since we cannot proceed indefinitely to give reasons for our reasons (and thus it is the case that we must accept some reasons without justification) the basic principles from which our conclusions are derived must be seen to be self-evidently true. But this conclusion will only follow if we hold that the conclusions of our moral arguments are incorrigible. If on the other hand we hold that our conclusions are corrigible, then we may hold also that the general principles from which they are deduced (if the deductive model is appropriate here) are corrigible.

A further feature in Price's account which might predispose us to accept his assimilation of the nature of moral judgment to that of the apprehension of self-evident truths is the emphasis which he places upon the 'immediacy' of moral judgment. Professor Stocks interprets Price as claiming that moral perceptions are direct apprehensions of the moral values of actions "which require no further substantiation

from without", and this claim might lead us to suppose that such apprehensions are apprehensions of self-evident truths.^{1.}

It is, however, not always clear what Price means when he claims that moral judgment is immediate. In writing of Hutcheson, he approves of the latter's claim,

"that we have a faculty determining us immediately to approve or disapprove actions, abstracted from all views of private advantage; and that the highest pleasures of life depend upon this faculty." 2.

In another context he writes,

"'Tis a very necessary previous observation, that our ideas of right and wrong are simple ideas, and must therefore be ascribed to some power of immediate perception in the human mind. He that doubts this, need only try to give definitions of them, which shall amount to more than synonymous expressions. Most of the confusion in which the question concerning the foundation of morals has been involved has proceeded from inattention to this remark. There are, undoubtedly, some actions that are ultimately approved, and for justifying which no reason can be assigned; as there are some ends which are ultimately desired, and for chusing which no reason can be given. Were not this true; there would be an infinite progression of reasons and ends, and therefore nothing could be at all approved or desired." 3.

If Price was claiming that our moral perception was psychologically immediate in the sense that when confronted by moral situations we always formed an attitude of moral approval or moral disapproval, then such a claim would not be inconsistent with the claim

1. 'Reason and Intuition', p. 3 et seq.
 2. 'Review', p. 14.
 3. 'Review', p. 41.

that those perceptions are corrigible. In the context quoted above, however, it would seem that his stress upon the immediacy of moral values and his approval of Hutcheson is concerned with the uniqueness and indefinability of moral values. Our moral judgments are held to be immediate in the sense that they are not derived. But this sense of immediacy does not require that our moral judgments are self-evidently true; on the contrary, as we have suggested earlier the contention that moral ideas are entailed ideas is inconsistent with the claim that moral insight is unique.

To sum up, we have now examined the difficulties of holding (a) that all our moral perceptions are incorrigible, and (b) of holding that they are all instances of propositions which are 'necessarily' and self-evidently true. In doing so, we have suggested that Price was induced to claim that we do have such incorrigible knowledge by his tendency to assimilate Cartesian methodology to the elucidation of the nature of moral judgment. If we are correct in this, then we have gone some way to justify the distinction which we have drawn earlier between the major and the minor objectivist thesis, and to show how Price in his attempt to establish the minor thesis against the sensationalism and subjectivism of Hume, became committed to demonstrating the major thesis, that our moral judgments are incorrigible. 1.

1. See above, p. 77 et seq.

Now, if our specifically moral judgments are corrigible, then 'a fortiori' our moral judgments, considered 'in toto', are corrigible.^{1.} If it is the case that we can make mistakes in the attribution of a moral characteristic to an action, then 'a fortiori' we are liable to be mistaken in the moral judgments which we do make. Such a conclusion is fatal to the contention that our initial moral judgments are always Divinely inspired. The sanctity of conscience, particularly of the initial individual judgment, cannot be proof against our liability to error in respect of the moral principles which we apply.

But even if it were the case that our specifically moral judgments are incorrigible, those who hold that our consciences are Divinely inspired would still have to meet the objection that we are liable to make mistakes in the factual judgments. Now, one of the paradoxical features of Price's thought is that when we examine his treatment of moral and political judgment where he is not so much under the influence of Cudworth and Descartes, and where he is not trying to provide an epistemological basis for what he conceives to be the universal principles of moral and political judgment, we find that he is very conscious of the difficulties that arise because we are liable to error. The function of reason is then construed not as the certain mediator of the Divine Will, but as the instrument with which we should seek to dispel our ignorance and error. Because of the qualifications to the doctrine of the incorrigibility of conscience

1. See above, p. 67.

which it requires it is important, therefore, to note the main features of what Price calls the Appeal to Candour.

CHAPTER III.

THE APPEAL TO CANDOUR

... on the death of Mrs. ...
... Mrs. ...

Candour was one of the ideals of the Enlightenment; when Priestley said "In real candour, I question whether Dr. Price ever had a superior"^{1.} he was paying his memory a compliment which his Dissenting audience would greatly appreciate. To the Eighteenth Century mind it would convey much. In the first place the general connotation of 'candid' was that of good character; it suggested purity, integrity and freedom from moral blemish, and as such, it derived a peculiar force from its association with luminosity and brilliance. More particularly, the word connoted the possession of a sweet and reasonable^{2.} disposition, free from malice and free from rancour. It also suggested certain qualities of mind - an unremitting zeal for the discovery of the truth and a devotion to the pursuit of knowledge and wisdom.

Both Priestley and Price were imbued with the optimism of the Enlightenment. They accepted the doctrine of progress,

1. 'A Discourse on the Death of Dr. Price', p. 23.

2. See: Mrs. Hester Chapone's sketch of Price, quoted above, p. XXXII.

that history, though chequered by periods of relapse and retrogression, reveals a continual growth in the stature of man and a continual amelioration in the conditions of life,

"There is the same difference between the state of our species now and its state at first, as there is between a youth approaching to manhood and a child just born." 1.

Such continual improvement in the affairs of men - the design of the Deity - was achieved by the acquisition of knowledge. Man as an instrument of Divine Providence could best further the designs of his Creator by that diligent enquiry which fructifies his practice. The obligation to acquire knowledge and to learn wisdom is, therefore, among the foremost of our obligations, and eagerness and zeal in their pursuit is one of the surest marks of good character,

"The most common means which it (Providence) employs are the investigations and active assertions of enlightened and honest men. These are aimed directly at the melioration of the world and without them it would soon degenerate. It is the blessing of God on the disquisitions of reason and the labours of virtue, united to the invisible direction of his Providence, that must bring on the period which I have in view." 2.

Since diligent enquiry is essential to the full discharge of our moral obligations, the desire to do good is not by itself

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1. 'Evidence for a future Period of Improvement, etc.', 'The Works of Richard Price', Vol. X, Introduction, p. 12.
 2. 'Evidence for a future Period of Improvement, etc.', p. 28.

enough; - "Virtue without knowledge makes enthusiasts". 1.

But while he emphasises the importance of curiosity in this way, Price is careful to insist that it must be controlled and inspired by the desire to act in accordance with the will of God. It is not intellectual virtuosity which is of supreme importance but the sincere devotion of all our energies and capacities to the service of God,

"'Nothing is very important except an honest mind; nothing fundamental except righteous practice, and a sincere desire to know and to do the will of God.' I wish earnestly I could be, in any degree, the means of propagating this conviction. There is nothing by which any one can better serve the essential interests of society." 2.

The distinctive feature in the claim made both by Price and by Priestley that man's salvation lies by way of the acquisition of knowledge and wisdom, is the claim that it is by the exercise of reason that such knowledge and such wisdom is to be acquired. By taking thought, and here the association of candour with luminosity is re-inforced, the light which dispels the darkness and foulness of ignorance is given to the honest mind. This being so, it is beneath the dignity of man to accept any pretensions to knowledge or any guides to conduct whose validity is not transparent to reason,

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1. 'A Discourse on the Love of Our Country', p. 15. Price is as severe as Bishop Butler in his condemnation of the Methodists, 'Methodism, a barbarism in religion, revived by people mistaking as the world has generally done, the service acceptable to God for a system of faith souring the temper, and a service of forms supplanting morality'.
 2. 'Evidence for a future Period of Improvement, etc.', p. 38.

or to accept any belief or opinion for which either sufficient or compelling evidence cannot be adduced. Candour scorns mystery, superstition and prejudice. The candid man must strive to see everything clearly, and must be prepared to act upon his own insights. In brief, he must think for himself.

In its most vigorous form, at the high tide of the Enlightenment, Candour forbade the acceptance of anything that was not capable of a rational justification. It was an attack against mystery and superstition, and against those institutions whose claims were thought to be grounded in them. In his theology, since he cannot show that all the tenets of his Arianism^{1.} can be justified rationally, he has to modify this claim, and rest content with the assertion that all essential beliefs can be demonstrated. On this basis Candour becomes an attack upon those institutions which require adherence to beliefs which cannot be justified rationally. It is the Established Church which Price has in mind. It is important to note that he thought of the appeal to reason as an appeal to the reason of the individual. Candour requires that each one should satisfy himself of the validity of beliefs upon which he acts. No one should rest on the authority of the Established Church unless he is convinced in his own mind of the validity of its doctrines. We should strive,

1. See above, Chap. I. p. 54.

"to be exempted in our endeavours to find out truth from the influence of authority, education and interest -- to enquire freely and to abide by what we think to be right." 1.

Candour implies that the only legitimate means of persuasion is by the appeal to reason. The whole purpose of education is to instruct in the arts of enquiry; it has no concern with instruction in particular creeds and articles of faith, but should be restricted to the techniques of discriminating between the true and the false, the valid and the invalid. With the love of truth and the determination to seek it, went the belief that each man should, and should only, appeal to the love for truth in another. Evidence of this aspect of candour can be found in the correspondence between Hume and Price. In his 'Four Dissertations' while replying to an argument of Hume's, Price had accused him of 'poor sophistry'; after publication he regretted the remark and wrote to Hume apologising and promising to alter subsequent editions. Hume replied,

"So far from there being any Occasion to make me an Apology for your late Publication that you have prevented me in my Intentions of writing to you, and of returning you thanks for the Civility with which you have treated me. I had almost said unusual Civility. For to the Reproach of Learning, it is but too rare to find a literary Controversy conducted with proper Decency and Good Manners, especially where it turns upon religious Subjects, in which men often think themselves at Liberty to give way to their utmost Rancour and Animosity. But you like a true Philosopher, while you overwhelm me with the Weight of your Arguments, give me Encouragement by the Mildness of your Expressions: and instead of Rogue, Rascal and Blockhead, the illiberal Language of the Bishop of Gloucester and his School, you address me, as a man mistaken, but capable of Reason and conviction. I own to you

1. Sermons (XI), 'The Works of Richard Price', Vol. X. p. 219.

"that the Light, in which you have put this Controversy, is new and plausible and ingenious, and perhaps solid" 1.

Price replied,

"The kind letter with which you have favour'd me has given me so much pleasure, that I cannot make myself easy without troubling you with this to thank you for it and for your great civility and candour. I was indeed afraid I had taken a liberty you would not approve, but I have very agreeably found the contrary. Should I ever have an opportunity I shall take care to correct the expressions to which I referred in the note I sent you. I am not, I hope, inclin'd to dislike any person merely for a difference in opinion however great, or to connect worth of character and God's favour with any particular Set of Sentiments. It is one of my most fix'd and favourite principles which I endeavour often to inculcate, that nothing is fundamental besides a faithful desire to find out and to practise truth and right" 2.

The determination to appeal to all men in the spirit of rational enquiry, and to resist other forms of persuasion characterised the Dissenters in their political activities, especially in their quest for reform. Optimistically they thought that if they laid their reasons before their opponents, that and that alone would serve to ensure conviction.

An important counterpart of the appeal to reason is the emphasis on individual responsibility. Each man must judge for

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1. Letter from Brewer St., London, dated 18/3/1767.
 2. Letter from Newington Green, dated 24/3/1767. This correspondence has been made available to me through the kindness of Professor Klibansky of McGill University. Hume's letter is published in his edition, cf. Hume's correspondence "New Letters of David Hume", Klibansky and Mossner, Oxford (1954), p. 233. For Price's letter see Royal Society of Edinburgh, Collection of Hume MSS. Vol. vi, p. 85.

himself,

"I wish to make no proselytes except to candour, and charity, and honest enquiry. You must judge for yourselves." 1.

The duty which each man has to satisfy himself of the validity of the beliefs and practices of the institutions to which he belongs, cannot be shirked. Particularly is this so of our political obligations. For Price the right to an equal vote is not just a natural right, but one which the discharge of our moral obligations to society requires. For this reason, there should be no impediments to the arts of enquiry. Freedom of Worship, Freedom of Thought, Freedom of Speech are justified by the demands which the exercise of candour makes,

"The best way, certainly, of attaching men to true principles is to enable them to examine impartially all principles. Every truth that is necessary to be believed and really sacred, must be attended with the clearest evidence. Free enquiry can be hostile to nothing but absurdity and bigotry. It is only falsehood and delusion which fly from discussion, and chuse to skulk in the dark." 2.

In the 'Review' Price gives a succinct summary of the difficulties which attend the exercise of candour,

"The more we know of men, the more we find that they are governed, in forming and maintaining their opinions, by their tempers, by interest, by humour and passion, and a thousand nameless causes and particular turns and casts of mind, which cannot but produce the greatest diversity of sentiments among them, and render it impossible

1. 'Sermons in Christian Doctrine', Vol. IX, p. 158.

2. 'The Evidence for a future ♦Period of Improvement, etc.', pp. 46, 47.

"for them not to err. There are in truth none who are possessed of that cool and dispassionate temper, that freedom from all wrong by-passes, that habit of attention and patience of thought, and, also, that penetration and sagacity of mind, which are the proper securities against error. How much then do modesty and diffidence become us? How open ought we to be to conviction, and how candid² to those of different sentiments? Indeed the consideration of the various ways, in which error may insinuate itself into our minds; the many latent prejudices, by which we are liable to be influenced; the innumerable circumstances in our own dispositions, and in the appearances of things which may insensibly draw us astray, and the unavoidable darkness and infirmities of the best and ablest men, shewing themselves frequently in mistakes of the strangest kind; such reflections are enough to dispose a considerate man to distrust almost all his opinions." 1.

From this summary and from further hints which are scattered throughout his writings we can derive the following list of dangers which imperil the search for truth. In the first place, we need to stir ourselves from an uncritical reliance upon those opinions which we have already formed. It does not follow from the mere fact that an opinion is accepted that it is valid, nor does it follow from the fact that a practice has been customary that such a practice is worthwhile. All those inclinations and biasses of the mind for which a rational justification cannot be given, must be suspected as the intrusion of passions and desires which are disposed against and not for the truth. Price will have none of Burke's doctrine of the prescription of the mind. Prejudice for him is always a wholly pejorative term.

1. 'Review', p. 10.

2. 'Candid' may be understood in this context as

- (a) open-minded, willing to examine the opinions of others in the expectation that they may be true opinions,
- (b) critical, willing to examine the opinions of others in the expectation that they may be unfounded opinions.

As the development of the understanding is necessary for the illumination of virtue, so is the practice of virtue necessary for the health of the understanding. On occasions Price speaks of the functions of reason in terms of a faculty psychology, as though the reason functioned independently of, and sometimes in opposition to, the emotions and the senses, but though he does not systematise the qualifications he makes to the conception of reason as a faculty, when speaking of the dangers which attend the discovery of knowledge and the practice of wisdom, he shows that he is well aware of the phenomena of rationalisation,

"The predominant passion always draws after it the thoughts, furnishes them with their principal employment, and gives a tincture of itself to all our studies and deliberations." 1.

It is particularly important to avoid partiality to our own interests. Nature has equipped us with dispositions whose primary function is to secure our own interest and survival, but such is the force of these that we are tempted to secure our own interests at the expense of those of others. We therefore need to discount the natural bias of our own inclinations. The danger lies not so much in a reasoned love of the self, as in our instinctive predisposition to seek our own immediate interest. As for Bishop Butler so for Price, reason enjoins us to give due consideration to our own welfare,

1. 'Review', p. 219. Cf. also the 'sophistical reasonings', p. 226.

"Reasonable and calm self-love, as well as the love of mankind, is entirely a virtuous principle. They are both parts of the idea of virtue. Where this is greatest, there will be the most ardent and active benevolence, and likewise the greatest degree of true prudence, the highest concern about bettering ourselves to the utmost, and the most effectual and constant pursuit of private happiness and perfection, in opposition to whatever hindrances and temptations to neglect them may be thrown in our way." 1.

It may often be the case that when we consult our own consciences, they seem to lay upon us no duty to consider ourselves, and it thus may seem that it is our duty to consider a situation without giving any attention to our own interests. But this feeling that we should have no concern for ourselves is better attributed, Price claims, to our knowledge that in most circumstances we are likely to overestimate rather than to underestimate our own claims, and that our natural inclinations of themselves carry us to a consideration of our own good, than to a conviction that our own welfare is not an element to be given any consideration,

"Our natural desires carrying us to private good are very strong, and the pursuit of it is more likely to arise from these desires without any rational reflexion, or interposition of moral judgment, than the pursuit of publick good; which is one reason why it is less considered as virtue." 2.

This distrust of our selfish nature and our instinctive dispositions is elaborated into the traditional cautions given by the rationalists against the suasions of the senses and the passions. The whole of our sensitive nature lies suspect. We are often misled

1. 'Review', p. 193.

2. Ibid.

by appearances, and provoked into follies by our desires. From these errors we can only be preserved by careful scrutiny of all appearances, by curbing impetuosity and by submitting all inclinations to careful criticism. Candour requires that we be both dispassionate and patient. Further, it requires the constant exercise of humility, for we are often seduced by our pride and vanity to rest content with the opinions which we have already formed. A humility towards our own opinions guards us against arrogance towards others, and is an essential precondition of that receptivity of mind which makes discussion fruitful.

"There is nothing indeed that prepares us more for the reception of truth than an honest simplicity." 1.

Candour also engenders a sense of the equality of rational agents, and a sense of community in the search for knowledge,

"In this lies one unspeakable advantage of liberal sentiments. They open our hearts to all about us, and communicate catholic dispositions." 2.

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1. 'Sermons', 'The Works of Richard Price', Vol. X, p. 15.
Cf. Professor Popper, "What I call the true rationalism is the rationalism of Socrates. It is the awareness of one's limitations, the intellectual modesty of those who know how often they err, and how much they depend on others even for this knowledge."
'The Open Society and Its Enemies'. Vol. II, p. 227.
 2. 'Sermons on the Christian Doctrine', Vol. IX, p. 67.
Cf. Professor Popper, "The fact that the rationalist attitude considers the argument rather than the person is of far-reaching importance. It leads to the view that we must recognise everybody with whom we communicate as a potential source of argument and of reasonable information; it thus establishes what may be described as the 'rational unity' of mankind." *op. cit.* Vol. II, p. 225.

The continued emphasis placed upon the need for open-mindedness, impartiality, dispassionateness, patience and humility underlines the fallibility of human judgment and the need for enquiry and discussion. Since we have a continuous responsibility to inform our minds, we should enjoy full freedom of enquiry. The State should not commit itself to any policy which might inhibit the appeal to reason and the appeal to evidence. Particularly, it should attach no privileges or penalties to the profession of those religious convictions for which complete authority cannot be produced. In this way the plea for freedom of enquiry is made a further plank in the platform for freedom of religious worship.

The significance of the Appeal to Candour lies in its assumption that our moral and political judgments are corrigible. Now, although such an assumption strengthens the argument for complete freedom of enquiry and freedom to investigate, it weakens the arguments for freedom of worship and freedom of conscience based upon the claim that the individual conscience is privately, immediately and divinely inspired. And in destroying the assumption that the initial moral judgment of the individual is incorrigible, it weakens the argument that depends upon it, namely, that there is complete agreement on moral issues throughout the community. It thereby also weakens the assumption that each one has a right to do that which he thinks he ought to do. Furthermore, the denial that the initial individual judgment is incorrigible leaves the question of the social corrigibility

of conscience an open one. These implications weaken the cruder and more superficial arguments for democracy. They remove the assumption that the individual judgment is sacrosanct, and that the moral and political judgment of one individual is necessarily as good as another's. They remove the assumption that the fundamental moral and political truths are revealed infallibly to each one, and that, therefore, the collective judgment is as good as the judgment of any one individual. More especially, they remove the dangers of an oversimplified construction of the nature of moral and political judgment, and open the way for the discussion of the important issues which are raised by the acknowledgment that our moral judgments are corrigible.

The advocates of Candour, Price included, were particularly concerned to emphasise the obligations which arise from the fact that we are ignorant and liable to error. We have already noted the duties to criticise our own opinions in the light of evidence, to acquire further knowledge, and to discipline our characters that we may become less liable to prejudice. The social counterpart to this is the need for adequate discussion and ^{for} the infusion of education with the spirit of enquiry. To this end there should be no impediments to discussion. But the advocates of Candour were not content with the exclusion of irrational curbs to enquiry; they also required that all forms of social regulation and government should be made sensitive and responsive to rational criticism. The appeal to reason construed

thus in terms of the corrigibility of opinion, and not in terms of an infallible intuition, whether private or collective, provides a securer basis for the foundations of democracy.

In our next chapter we shall be concerned to analyse Price's treatment of the concepts of self-government, and in doing so we shall try to show how he conceives that democratic institutions are grounded in our moral obligations to govern our own conduct according to reason, which is interpreted, on the one hand as the intuition of self-evident truths, and on the other as the spirit of critical enquiry.

CHAPTER IV.

THE ANALYSIS OF FREEDOM AND SELF-GOVERNMENT

Price's first major contribution to the political thought of his own time was presented in his "Observations on the Nature of Civil Liberty, The Principles of Self-Government, and the Justice and Policy of the War with America". This work was prepared during the winter following the outbreak of the war and was first published in February, 1776.¹ Hitherto, Price's political interest had been largely confined to the advocacy of freedom of worship and to the attempt to remove those civil disabilities which attached to the profession of Nonconformity. As a leader of the Dissenters he had attracted considerable attention; Chatham had written to him from Burton Pynsent on January 16th, 1773,

1. This work had a wide and popular reception. It ran to five editions in as many weeks, and before the end of the year fifteen editions, over 60,000 copies had been printed in London alone. In the same year it was reprinted at Dublin, Edinburgh, Boston, New York, Philadelphia and at Charleston in South Carolina. In the following year Price replied to criticisms and added further explanatory comment in his "Additional Observations on the Nature and Value of Civil Liberty and the War with America", and still further replies were contained in the Introduction to the combined edition of both works which first appeared in 1778. I shall refer to these editions as 'Observations', 'Additional Observations' and '1778 Introduction' respectively. Quotations are taken from the third edition of the 'Observations', (1776), the second edition of the 'Additional Observations' (1777), and the '1778 Introduction' as contained in 'The Works of Richard Price' (ed. Morgan, 1916).

"In writing to you, it is impossible the mind should not go of itself to that most interesting of all objects to fallible man-Toleration." 1.

but it was not until the outbreak of the American War that his name became associated with other political issues. With the development of the crisis in the American colonies and the growth of what he believed to be threats to constitutional liberties at home, his interest extended from the problems of freedom of worship to those of democracy and national autonomy. To the discussion of these he applied the principles which he had used in his earlier work. In the 'Review' he had based his case for freedom of worship on the claim that the rights to worship and to act in accordance with one's conscience are essential conditions of the virtuous life which should be guaranteed to each person. No human authority should dictate to the conscience of the individual. In his political writings he analyses the further implications of this claim. His themes throughout are those of freedom and self-government and, prompted by the particular problems of his time both at home and abroad, he seeks to discover in terms of these concepts the nature of those social and political institutions which the good life requires.

In what follows we shall try to show how the conceptual framework which he believed should be the foundation of all social and political institutions, derives from his definition of these

1. Quoted by Price in "A Discourse on the Love of Our Country", fn. to p. 38. 'The Works of Richard Price', Vol. X.

concepts, and in doing so to note the philosophical presuppositions which make the acceptance of these definitions and the political theory which they support plausible. But before beginning the analysis of these definitions it will be useful to set the stage of the argument by giving a brief account of the issues involved in the quarrel between the Imperial Administration and the American colonists in whose defence Price's views were developed.

The root of this quarrel lay in the divergence between the economic interests of the colonists and those of the home country which hitherto had been regulated by the Imperial Administration in accordance with the principles of the Mercantilist System. This system, founded in the Navigation Acts, was designed to protect home and colonial interests from foreign competition and to strengthen the economic interdependence of the Empire. But the regulations which purported to secure the welfare of the Empire as a whole tended to secure the interest of the home country at the expense of the colonists, and to curb and impede colonial development in several important particulars. By the Navigation Acts the colonists were restricted to trading in ships built either in England or in the English plantations and in ships manned with a complement of at least two-thirds British sailors. They were confined to the British dominions for markets in tobacco, cotton, silk, coffee, indigo, naval stores, skins, sugar and rice. They were prohibited from exporting directly to Europe, having to re-export through British ports.

They were also prohibited from exporting woollen goods and from erecting steel furnaces within the colonies. By the high tariffs placed upon imports from non-British colonies they were virtually prohibited from importing sugar, rum and molasses from the French West Indies, a restriction which handicapped the American distilleries severely and which deprived the colonists of a valuable market in the French West Indies for exports which the demand from the British colonies was insufficient to absorb. Certain compensations accrued to the colonists from this system of protection, as they were thereby ensured a market for their tobacco in England, and as they received bounties on the production and exportation of certain commodities, namely, indigo, pitch, hemp and flax. But these benefits were not enough to counterbalance the restrictions, and the resentment which the latter caused grew as the colonists became aware of their increasing industrial and commercial potential. Economic circumstance thus prompted them to question the right of the Imperial Administration to regulate their affairs. They wished to be free from such burdensome restrictions, and in time they wished to be free from the ministrations of the authority which imposed them.

At the same time as the colonists were being lured by prospects of self-determination in economic matters, the problems of the defence of an expanding colonial frontier, aggravated by the difficulties of persuading the several colonies to agree amongst

themselves on procedures for their own defence, seemed to require a greater degree of Imperial interference. Ironically, the destruction of French colonial aspirations and the removal of French influence from the American continent by the Treaty of Paris had diminished rather than strengthened the colonists' sense of dependence upon the Imperial administration. Feeling confident that they were not seriously threatened by dangers from the natives, the colonists thought that they could afford to treat the question of defence as an academic exercise in the determination of the respective rights of the Imperial and colonial governments. For the Imperial administration it also became the testing ground of graver issues; the concern over defence concealed other anxieties, apprehensions for the right to intervene, especially in commercial affairs.

The general formula for the determination of the spheres of the Imperial and colonial governments - and we shall be concerned to examine its practical application in some detail - was that the Imperial Administration had rights in all that touched the welfare of the Empire as a whole, and that within the orbit or frame-work of Imperial policy each colony was free to regulate its own affairs. At the time of their formation, the colonial legislatures had incorporated in their laws the common and statute law of England, including all the main constitutional achievements such as Magna Carta and Habeas Corpus. Thenceforth they had been at liberty to

1. See Lecky, 'History of England in the Eighteenth Century', Vol. III, p. 297.

vary the provisions of those laws so long as they left untouched the allegiance to the Crown and all those statutes of the English Parliament in which they were expressly mentioned. In formal terms, there was no limit to the extent of the English Parliament's jurisdiction over the colonies. On no occasion had Parliament expressly and irrevocably limited its sovereignty, and in theory, at least, it remained the case that it could, **At** its own discretion, revise and extend to what degree it saw fit its jurisdiction over the colonies. In practice, however, it was generally conceded that the English Parliament should leave to the colonies the determination of those problems which were of purely local significance and confine itself to those matters which were of interest to the Empire as a whole. This general formula for determining the respective responsibilities of the Imperial and colonial legislatures could be worked successfully only if there were commonly acceptable criteria for determining what problems were of purely local significance and what were not, and if subsequent policies achieved some measure of harmony. Since the problem of reconciling the claims of subordinate legislatures within the orbit of national or international jurisdictions is of perennial interest, it is important to study the logical and conceptual difficulties which arose in the course of the quarrel, and to see how they vitiated the solutions which were offered, by Price amongst others, at the time.

In financial matters the formula was applied in the following

way:- it was generally held that the colonists reserved to themselves the right of internal taxation, the Imperial administration being confined to external taxation; according to Lecky,

"the distinction between external and internal taxation had been the leading principle of colonial administration. Parliament exercised a recognised right when it determined the colonial system of the colonies by the imposition of duties which produced indeed some small revenue, but which were not intended for that purpose, but solely for the purpose of commercial regulation. But taxes intended for the purpose of revenue had been imposed by the colonial assemblies." 1.

There was some ambiguity in this distinction between internal and external taxation, an ambiguity which was exploited in the development of the quarrel. At first sight it would appear that the distinction intended was a geographical one to the effect that the colonists alone had the right to tax the colonists within the colonies, and that the Imperial administration was restricted to imposing taxes on goods either outside the colonies or in the ports of entry. Alternatively, it might appear that the distinction concerned the purpose of taxation, that the colonists alone had the right to levy taxes for colonial purposes, and that the Imperial administration was restricted to levying taxes for the requirements of the Empire as a whole. Under this application of the distinction it would seem that the Imperial administration had the right to levy taxes, including revenue taxes, within the colonies, as long as the product was devoted entirely to discharging obligations

1. Lecky, op. cit., Vol. III, p. 314.

which by common consent were those that concerned the government of the Empire. But, as Lecky maintains, generally speaking, neither of these applications was intended. The interpretation commonly accepted, although it served Townshend's purposes to argue otherwise, was that by internal taxation was meant taxation for revenue purposes, and that by external taxation was meant taxation for the purposes of **commercial** regulation. It was assumed that taxes could be classified neatly into those which bore revenue and those which regulated the flow of goods and the disposition of industries. For a time this application of the distinction was assimilated to the geographical distinction, i.e., it was assumed that all taxes levied within the colonies were revenue producing, and conversely, that all revenue producing taxes were internal in the geographical sense; similarly, it was held that all taxes levied in the ports of entry were regulative, and conversely, that all regulative taxes were levied in the ports of entry. Consequently, it was held that the administration should confine itself to regulative taxation in the ports and externally, and allow the colonists to raise their own revenue taxation internally.

These assumptions broke down when Townshend showed that the imposition of taxation at the ports of entry could be used mainly for revenue purposes. He claimed to respect the geographical application of the internal/external distinction, but violated the traditional assumption that only the colonists should impose revenue

taxes on the colonies. In reply, the colonists emphasised the third version of the distinction and denied the administration the right to impose revenue taxes either within the colonies or in the colonial ports of entry. As we shall see, this became, for all practical purposes, a denial of the Administration's right to impose any taxation.

The criteria adduced for the application of this distinction - and the same can be said for the distinction itself - were not happy ones. Provided they were accepted with good will by both parties as rough guides to the demarcation of their respective responsibilities, the distinction proved workable, but they did not admit of much logical scrutiny, and the ambiguous interpretations to which they gave rise did much to confuse counsel and debate. In the first place, no clear distinction could be made between those taxes which produced revenue and those which were designed to regulate trade. The measures designed to control commerce, by their very nature yielded revenue; and if the colonists insisted that the Administration had no right whatsoever to levy taxes which produced revenue, they were virtually prohibiting the Administration from imposing any commercial regulation by way of taxation. This eventually occurred in the course of the colonists' hostile reaction to Townshend's measures. Secondly the most favoured application of this distinction confused the nature of the problem of determining the legitimate spheres of the colonial and imperial legislatures. On the grounds that the Imperial Administration

were responsible for the common concerns of the Empire, it could well be argued that they had the right to raise the funds necessary for the discharge of that obligation by revenue taxation. And since the colonists benefited from these measures it could well be argued that they could be called upon to pay their share. To this it might be objected that the colonists were not attempting to evade their responsibility to subscribe to the common fund; what they objected to was being required to subscribe funds to a cause in which they had no voice in deciding either how the funds should be raised or how they should be spent. They were objecting not to being taxed but to being taxed without representation. It was unfortunate that two of the possible solutions which would have met this demand for representation proved impracticable. The Imperial Administration might have called for contributions for their several purposes and then have allowed the colonists to decide amongst themselves the manner and method of collection. This solution would have failed because the colonists could not, and it is suspected did not wish to, agree amongst themselves. Alternatively, the colonists might have been allowed representation in the Imperial Parliament, but no solution along these lines would have been feasible on account of the difficulty of providing an adequate balance of English and colonial representation. But these obstacles in the way of securing representation for the colonists should not be allowed to obscure the fact that the defence of the Empire was an Imperial responsibility, and that the rights

correlative to the discharge of that responsibility accrued to the Imperial Administration. The practical expedient of confining the Imperial Administration to commercial regulation avoided the delicate problem of adjusting responsibilities, and in doing so distorted the functions of revenue taxation and commercial regulation as instruments of policy.

Thirdly, it can be argued that by the emphasis which they placed upon freedom from direct revenue taxation the colonists exaggerated the burden of direct fiscal intervention and minimised the power and the influence which could be wielded by indirect commercial regulation. It could not be denied that the effect of tariffs upon the flow of goods both in and out of the colonies could be as severe a burden as the effect of direct revenue taxation: witness the severity of the consequences of the virtual prohibition of the import of molasses from the French West Indies and the actual prohibition of the erection of steel furnaces within the colonies. The emphasis placed upon freedom from direct revenue taxation distracted attention from the crucial problem, the legitimate degree of real intervention, direct or indirect, fiscal or regulative, which the Imperial Administration was entitled to. If the Administration had the right to interfere to the extent permitted by the Navigation Acts, it might well be argued that it mattered little whether that intervention took the form of direct revenue taxation or of commercial regulation. It is certainly difficult to understand why direct revenue taxation

(as attempted under the Stamp Act) should have caused so much more resentment than indirect commercial regulation - although this is not to say that the latter did not provoke hostility - and especially difficult to understand how it was that duties imposed on goods in American ports (vide: Townshend's measures below p. 158) provoked such extreme hostility when a similar imposition in English ports would have passed almost unchallenged. The fact that direct taxation was felt to be a greater burden than indirect taxation and to be a greater infringement of civil rights is a significant guide to what the Eighteenth Century conceived to be the more palpable violations of freedom. Direct taxation was more patently an instance of government coercion, for, as we shall see below, the attention of the Eighteenth Century on questions of freedom was more alive to the direct restrictions imposed by government authority than to the indirect restrictions occasioned by their activities. Since the Americans were highly sensitive on this point, and since they had come to interpret their right to self-government in terms of the right to levy their own revenue taxation, it was argued that much the wisest course for the Imperial Administration was to respect this demand for freedom from Imperial revenue taxation, and to raise the funds necessary for defence in other and less obtrusive ways. It is, however, doubtful whether the formal problem of the definition and adjustment of Imperial and colonial rights could have been shelved indefinitely, and doubtful whether equilibrium could have been

maintained by the compromise by which the Imperial Administration waived all claims to impose revenue taxation in return for the recognised right to regulate commerce. The quarrel concerning revenue taxation was in part a shadow of a graver problem in which it gradually merged, namely, the right to regulate commerce - which, with the extension of the meaning of the term 'taxation', became part of the problem of the right to tax - and sooner or later the colonists were bound to join issue on this question. Under Walpole's administration, his genius for apathy and the blind eye had allowed the colonists to adjust their commercial interests within the framework of the system of regulation. Evasion of the duties imposed upon the import of molasses from the French West Indies was connived at, and many of the tariff regulations were allowed to become dead letters; the general indifference at home to affairs in the colonies also conduced to the maintenance of peaceful relations. This happy state of affairs was brought to an end by the energy of Grenville; rarely can so much havoc have been caused by a statesman's taking the duties of his office seriously. Appalled by the extent of the smuggling in American waters and prompted by the need to raise funds he took measures to enforce the existing trade regulations (Sugar Act, 1764). These measures proved extremely unpopular and the hostility which they kindled was inflamed when Grenville supplemented them with proposals for the creation of a standing Army in America, which was to be maintained by direct Imperial taxation within the colonies. The Stamp Act (1765)

was the symbol of a new departure in Imperial policy; it was the first occasion upon which the government at home had violated the cherished colonial right not to have revenue taxation levied in England. The storm of rage which met this Act and the consequent impossibility of enforcing it, made its repeal inevitable. To maintain its prestige, however, the English Parliament passed the Declaratory Act (1766) which expressly asserted the right of the English Parliament to make laws and statutes to bind the colonies "in all cases whatsoever". The dispute was thus reduced to abstract terms, and unfortunately, as it always is in matters of diplomacy, considerations of national honour were made on both sides to turn on an uncompromising adherence to rigid formulations of the nation's rights and principles. The Declaratory Act was intended to save face; it made the problem difficult to solve, as under its terms honour forbade the Administration to yield and the colonies to submit.

Even so, provided that it served no-one's interests to press theoretical distinctions and to stickle on points of national honour the situation after the repeal of the Stamp Act gave opportunities for a return to the peaceful and conciliatory ways of Walpole. But these opportunities were lost when Townshend proceeded to substantiate what he conceived to be the legitimate rights of the Imperial Administration. He conceded the American claim that they and they alone had the right to impose internal taxation, - by internal taxation

he meant revenue taxation within the colonies, - and refrained from attempting measures such as the Stamp Act, but affirmed his intention of raising revenues by placing import duties on goods in American ports.^{1.} The quarrel regarding the definition of internal taxation broke out afresh; the colonists insisting that the Administration had no right to maintain a standing army in America or to raise funds for its maintenance by imposing revenue taxes. In reading accounts of the colonists' reactions, it is difficult to reconcile their intractability with their passionate denials of all imputations that they sought complete independence; it is difficult not to suspect the disingenuousness of their ardent protestations of loyalty. At the same time it is difficult to account for the obstinacy and obtuseness of the Administration in maintaining the issue of Imperial defence in terms which could not be reconciled with the traditions of self-government in the colonies. Townshend's measures met with so much resistance that they proved relatively unproductive. The offending duties were removed with the exception of the duty on tea, which was reduced. Here again for the sake of the principle involved the Administration retained the form of a duty, the product of which was nugatory and totally inadequate for the purpose for which it had been designed, and which served only to inflame still further the already exacerbated passions of the colonists. Now that the issue of sovereignty had been raised it could hardly be

1. Townshend's Act (1767) levied duties on tea, paper, glass, painter's colours and on lead, and gave practically unlimited right of search to royal officials to enforce these measures.

disguised. The imposition, or rather the retention, of the duty on tea provoked the famous Boston Tea Party, which, in turn, produced the disciplinary measures against the colony of Massachusetts which precipitated the war. The demand for internal fiscal autonomy had broadened into a demand to exclude the Imperial Administration from all interference in colonial affairs, to deny the Administration the right to maintain a standing army in the colonies and to interfere with judicial and legislative procedures. When these demands provoked disciplinary measures the colonists' resistance extended their demand for self-government to a resolve for complete independence. Hostilities commenced in July, 1775.

During the degeneration of the quarrel the American colonists were not without powerful advocates of their cause in England. Since the passing of the Stamp Act, Chatham had become a bitter opponent of the Administration. He based his support for the colonists on the distinction between internal and external taxation, the former being taken to be taxation for the purposes of revenue and the latter being taken to be duties imposed for the regulation of trade. In these matters the colonists had the same rights as Englishmen - no government

1. In 1773 the port of Boston was closed and blockaded; the government of Massachusetts was destroyed - the charter of the colony was remodelled, the Upper Council was thenceforward to be appointed by the Crown, instead of by election, all magistrates and justices were to be appointed by the Crown and to hold their office under royal pleasure, juryman were not to be chosen by popular election but were to be nominated by the Crown; judicial procedures were altered - prisoners indicted on capital measures, were, at the discretion of the Governor, to be tried either in another colony or in Great Britain; troops were to be quartered on the colonists, and land which the colonists had claimed under their Charters was ceded to Quebec.

had the right to tax the English people without the consent of their representatives; similarly, no government had the right to impose taxation upon the colonists without their consent, -

"It is my opinion that this kingdom has no right to lay a tax upon the colonies. At the same time I assert the authority of this kingdom over the colonies to be sovereign and supreme in every circumstance of government and legislation whatsoever Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the commons alone. In legislation the three states of the realm are alike concerned; but the concurrence of the peers and the Crown to a tax is only necessary to close with the form of a law. The gift and grant is of the Commons alone The distinction between legislation and taxation is essentially necessary to liberty The Commons of America, represented in the several assemblies, have ever been in possession of the exercise of this, their constitutional right of giving and granting their own money. They would have been slaves if they had not enjoyed it. At the same time this kingdom, as the supreme governing and legislative power, has always bound the colonies in everything except that of taking the money out of their pockets without their consent." 1.

Chatham's curious claim that taxation is not a part of 'the governing or legislative power' illuminates the whig conception of the function of the people. The people are not conceived to govern themselves or to legislate for themselves; these offices are performed for them. The people are, however, conceived to control and supervise government, and the chief way in which they do this is by controlling taxation. Shorn of this power to grant or to withhold revenue, the people are helpless. Chatham's application of the principle, however, fails to appreciate the organic relationship between taxation and government, and between the purposes of taxation and the purposes of legislation. He assumes that a government could never lose its right

1. Chatham Correspondence, ii, 363-372. Quoted by Lecky, op. cit., Vol. III, p. 336.

to legislate although it might not have a right to tax; such a government would be an arm without sinews. To this extent the application of what had seemed to be a guiding principle of the relationship between the King, Commons and people could not be applied without modifications to the relations between the Home Country and the colonies.

Chatham believed that the liberties of the colonists had been violated by the Sugar and Stamp Acts, and that they were therefore justified in resisting these measures. He recommended that both Acts should be repealed, and that the relationships between the colonists and the Imperial Administration should be stabilised in terms of the position which existed before they were passed. The colonists should then be contained, by force if necessary, within such a position. Thus Chatham's sympathy could in no way be conceived to extend to the demand for complete legislative autonomy; his curious distinction between taxation and government (legislation) led him to confine the claims of the colonists to regulate their own affairs entirely to the former,

"Upon the whole I will beg leave to tell the House what is really my opinion. It is that the Stamp Act should be repealed absolutely, totally, and immediately; that the reason for the repeal should be assigned, because it was founded on an erroneous principle. At the same time let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever ---- except that of taking their money out of their pockets without their consent." 1.

1. Chatham, op. cit.

Burke also came to the support of the colonists. Like Chatham he maintained that the strife had been caused by the adoption of a new colonial policy which had violated the tradition of self-government in the colonies. Until Grenville's administration, all financial measures, whatever their incidental effects may have been, had been designed solely for the purpose of commercial regulation; by the Stamp Act the administration had enlarged its claims and the just resentment which this measure had provoked had been aggravated by the subsequent vacillation and hypocrisy of the home government. The administration had never been consistent in their attempts to justify their own intervention; sometimes they had pleaded the needs of commerce and claimed to be actuated solely by such considerations; sometimes they proclaimed the needs of defence, and sometimes they claimed merely that they were seeking formal acknowledgment of their right to bind the colonies. Unlike Chatham, however, Burke supported the cause of the colonists not on the ground of formal principles, whether philosophical or juristic, but on the grounds of expediency. Expediency and expediency alone should be the guiding maxim in determining the relations between the Imperial administration and the colonies. He advised a return to the policy which obtained before the administration of Grenville; it had served the interests of all parties and had been acceptable to all. Although the distinction between internal and external taxation did not bear much scrupulous examination, it had at least served as a working principle,

"Again, and again, revert to your own principles--- seek peace and ensue it--- leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, not attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, in contradiction to that **good** old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only may they be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question." 1.

Characteristically, Burke counselled the administration of the time not to be misled by abstract formulations from considerations of expediency. Shrewdly, he saw, as few others saw, that appeals to legitimacy and to the sovereign rights of Parliament would lead the colonists to question not only the right to levy revenue taxation but also the legislative authority in which that right was grounded. Further, he saw that the appeal to abstract principles and to theoretical formulae could uncover irreconcilable conflicts between the colonist's conception of self-government and the Imperial administration's conception of the dues of a sovereign Parliament. The definition of the issue in such terms would align patriotic loyalties and moral fervour on both sides in a manner which would not admit of rational compromise. It

1. 'Speech on American Taxation' (1774), Works, Vol. I, pp. 432, 433.

was, par excellence, a situation in which abstract speculation could distort rights from their true middle; it was a situation in which misleading philosophical constructions could bedevil the resolution of conflict. Burke claimed that the situation should be appraised in terms of expediency, and that the judgment of the expedient should be influenced largely by what had served the interests of both parties in the past. On these grounds, like Chatham, he advocated a return to the situation that obtained before the administration of Grenville. Usage had rendered those practices acceptable and it was, therefore, the mark of wisdom to maintain them.

Burke's argument was defective because he had failed to take notice of the new elements in the situation which precluded a policy based entirely on the maintenance of traditional practices. Conflict had arisen because the time had come for adjustments in the relations between the Imperial administration and the colonies; the resentment caused by the retention of an obsolete commercial policy and the measures proposed for Imperial defence could not be allayed simply by a return to the established usages. Burke was, of course, right in insisting that these adjustments could not be made merely in terms of an appeal to the concept of Imperial Sovereignty on the one hand and to the concept of colonial self-government on the other, but his plea for the abandonment of abstract speculation in favour of traditional practices ignored the fact that changes had occurred which made the old forms obsolete. The new situation required a redefinition

of relationships, not the abandonment of definitions. It is interesting to note that the aversion ~~to~~ theoretical discussion - the much abused 'metaphysics' of political thought - which marked Burke's treatment of the French Revolution, characterised his earlier criticism of the handling of American affairs. But, nevertheless, he suggested a formula for the integration of the colonist's demand for self-government within the framework of Imperial sovereignty. Taxation by Imperial Parliament should be used not as a means of supply but as an instrument of Empire; it should not be used as a normal technique but only where the colonies failed in their duties. In this way the powers of the Imperial administration were conceived to regulate the subordinate and originating colonial legislatures,

"I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcilable things in the world. The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. -- The other, and I think her nobler capacity, is what I call her imperial character; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all, without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the overruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable parliament to answer all these ends of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of parliament limited, may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! Shall there be no reserved power in the empire, to supply a deficiency which may weaken, divide, and dissipate the whole?

"We are engaged in war --- the secretary of state calls upon the colonies to contribute --- some would do it, I think most would cheerfully furnish whatever is demanded --- one or two, ~~X~~ suppose, hang back, and, easing themselves, let the stress of the draft lie on the others --- surely it is proper, that some authority might legally say --- "Tax yourselves for the common supply, or parliament will do it for you." This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissensions in the colony. But whether the fact were so, or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times, that I consider the power of taxing in parliament as an instrument of empire, and not as a means of supply." 1.

He did not show how the interests of the colonists were to be represented in the process of co-ordinating colonial legislation - which remains a crux of the problem - but assumed as Price was to assume - that if the Imperial administration confined itself to the task of co-ordinating, then its activities would prove acceptable to the subordinate legislatures. He implied that such a sovereignty would be maintained and justified on the basis of a common interest and a common consensus of that interest.

Unlike Burke, Price bases his defence of the American colonists in the philosophical principles of freedom and self-government, although he is prepared to support these arguments with considerations of utility. He avoids approaching the quarrel in terms of juristic argument ^{2.} and

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1. 'Speech on American Taxation', Works, Vol. I, pp. 434, 435.
 2. "The question with all liberal enquirers ought to be, not what jurisdiction over them Precedents, Statutes and Charters give, but what reason and equity, and the rights of humanity give." Observations, p. 32.

turns instead to defend their cause in terms of the principles which should be the foundation of every political society. Every community, he claims, should have the power to determine its own local affairs, and be represented in the government of the larger society, whether Federation or Empire, of which it forms a part. By their attempt to subject the colonies to the jurisdiction of the English Parliament on questions of internal legislation and internal taxation, the Imperial administration had violated the principles of freedom and self-government, which are the basis of the authority of government. They had also denied to the colonists the constitutional liberties which were the essence of British political practice, a circumstance which, Price feared, anticipated a threat to the enjoyment of those liberties in England. It was by clarifying these principles and the nature of these liberties that the justice of the colonists' cause could best be demonstrated.

Although his approach is mainly 'a priori', Price was not without detailed knowledge of the events and grievances which precipitated the crisis. In the years preceding the outbreak of the war he had had ample opportunity to acquaint himself with the circumstances of the debate. He was an intimate friend of Benjamin Franklin, who came to England on July 27th, 1757, to represent the colonists, and who had been a regular member of the club which met at St. Paul's Churchyard and at the London Coffee House to discuss theological, scientific and political subjects. He had corresponded with several prominent Americans, in particular with John Winthrop, Hollis Professor of

Mathematics and Natural Philosophy at Harvard; Charles Chauncy, Minister of the First Church at Boston; and Ezra Stiles, Minister of the Second Congregational Church in Newport. Through Stiles, he was introduced to Henry Marchant, Attorney General of Rhode Island, whom he met when the latter came to England in 1771, and through Chauncy he was introduced to Josiah Quincey, jr., a Boston lawyer, who also crossed the Atlantic to present the colonists' case to the administration. During this period he also came in contact with many of the leading American sympathisers in this country; as we have seen, his work in connection with the freedom of worship had brought him to the attention of Chatham; he enjoyed the friendship of Shelburne, later Marquis of Lansdowne, who had been placed in charge of American affairs during Grafton's ministry; he also enjoyed the acquaintance of Colonel Isaac Barré, who had won considerable fame in the colonies for his "Sons of Liberty" Speech in the House of Commons in the debate on the Stamp Act, of John Dunning, later Lord Ashburton, and of Lord Lyttelton. Though deeply versed in the controversy, Price published nothing on the quarrel before the outbreak of the war, but his letters show how strong his attachment to the colonists was. On February 25th, 1775, he wrote to Charles Chauncy,

"It is from themselves that our brethren in America must look for deliverance. They have, in my opinion, infinitely the advantage in this dispute. If they continue firm and unanimous it must have a happy issue, nothing being more certain than that the consequences of the present coercive measures must in a year or two be so felt in this kingdom as to rout the present despotic ministry, and to bring in new men who will establish the rights and liberties of the colonies on a plan of equity, dignity and permanence. In such circumstances, if the Americans relax, or suffer themselves to be

"intimidated or divided, they will indeed deserve to be slaves. For my own part, were I in America I would go barefoot, I would cover myself with skins and endure any inconveniences sooner than give up the vast stake now depending; and I should be encouraged in this by knowing that my difficulties would be temporary, and that I was engaged in a last struggle for liberty, which perseverance would certainly crown with success. I speak with earnestness, because thoroughly convinced that the authority claimed by this country over the colonies is a despotism which would leave them none of the rights of freemen; and because also I consider America as a future asylum for the friends of liberty here, which it would a dreadful calamity to lose.

By the government which our ministers endeavour to establish in New England, and that which they have established in Canada, we see what sort of government they wish for in this country; and as far as they can succeed in America, their way will be paved for success here. Indeed the influence of the crown has already in effect subverted liberty here; and should this influence be able to establish itself in America, and gain an accession of strength from there, our fate would be sealed, and all security for the sacred blessing of liberty would be destroyed in every part of the British dominions. These are sentiments that dwell much upon my heart, and I am often repeating them." 1.

Price's sympathy for colonists derived strength not from the justice of their cause alone. He believed that the attempts made by the administration upon American liberties were forerunners of similar attempts on liberties at home. Signs were not wanting that the administration were becoming despotic, and that their way was being made easier by neglect in the defence of constitutional liberties. Price disapproved of the growth in the power of the executive; he disapproved of the Government's acquisition of the East India Company, - "Nothing more unfavourable to the security of public liberty has been done since the Revolution" - the growth of the National Debt, the servicing of which strengthened the arm of corruption, the decline in

1. Price, Letters: Proceedings of the Mass. Hist. Society, Second Series, Vol. XVII (1903), p. 279.

the practice of examining the accounts of monies spent in the public service, the relaxation of the attempts to secure triennial Parliaments, the growth of the Standing Army, the incidents of the Middlesex election, and the attempts made to silence criticism in the House of Commons.¹ It was to be hoped that the defence which the Americans were making of their constitutional liberties would awaken Englishmen to the nature of these threats, would stimulate them to criticism and thus discourage the administration from making any further encroachments. It was also hoped that the example of the Americans would encourage the more liberal-minded to press for those reforms which would realise the ideals of constitutional practice. It was essential that government should be brought more effectively under the control of the people; this could be done by limiting the powers of the executive, - by reducing patronage, by placing expenditure under the supervision of the Commons, by reducing the standing army, and by reducing the National Debt - and by making the Commons more representative of the people; by extending the franchise, by holding elections more frequently, and by making members independent of the corruption of Government patronage. Such a reformed Parliament would, Price believed, be more eager in the defence of civil liberties.

His enthusiasm for the cause of the colonists was further warmed by a passionate admiration for what he supposed to be the colonial way of life. He viewed with much repugnance the laxity

1. 'Additional Observations', pp. 44 et seq.

and corruption of London social life, and shared the Puritan's distaste for luxury and ostentation. He believed that leisure and sophistication distracted men from their moral responsibilities, and that much of the neglect of the defence of constitutional liberties could be attributed to the apathy induced by the enjoyment of increasing wealth and prosperity. Under the influence of Rousseau, Franklin and John Brown, 1. he feared the pleasures of cultivated life, which, he held, were enemies to moral and public virtue. He could then all the more approve of life in the colonies which, rather naively and romantically, he believed had all the virtues of rigorous simplicity,

"The happiest state of man is the middle state between the savage and the refined, or between the wild and the luxurious state. Such is the state of society in Connecticut, and some others of the American Provinces; where the inhabitants consist, if I am rightly informed, of an independent and hardy Yeomanry, all nearly on a level - trained to arms, - instructed in their rights - cloathed in homespun, - of simple manners - strangers to luxury - drawing plenty from the ground - and that plenty, gathered easily by the hand of industry; and giving rise to early marriages, a numerous progeny, length of days, and a rapid increase - the rich and the poor, the haughty grandee and the creeping sycophant, equally unknown - protected by laws, which (being their own will) cannot oppress." 2.

To his defence of the colonists Price prefixes a prolegomenon on the nature of freedom and self-government, "the foundation of all honour and the chief privilege and glory of our natures".

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1. John Brown, author of 'An Estimate of the Manners and Principles of the Times'. (1757) and 'Thoughts on Civil Liberty, on Licentiousness and Faction'. (1765).
 2. 'Observations on the Importance of the American Revolution, etc.', (1785) 'The Works of Richard Price', Vol. VIII, p. 69.

In the 'Observations', he distinguishes four different kinds of freedom or liberty.^{1.} Firstly, there is physical liberty which is defined as,

"That principle of Spontaneity, or Self-determination, which constitutes us Agents; or which gives us a command over our actions, rendering them properly ours, and not effects of the operation of any foreign cause." 2.

Secondly, there is moral liberty, defined as,

"The power of following, in all circumstances, our sense of right and wrong; or of acting in conformity to our reflecting and moral principles, without being controuled by any contrary principles." 2.

Thirdly, there is religious liberty, which

"signifies the power of exercising, without molestation, that mode of religion which we think best; or of making the decisions of our own consciences, respecting religious truth, the rule of our conduct, and not any of the decisions of others." 2.

Fourthly, and lastly, there is Civil Liberty,

"the power of a Civil Society or State to govern itself by its own discretion; or by laws of its own making, without being subject to any foreign discretion, or to the impositions of any extraneous will or power." 2.

Price notes that common to all these kinds of freedom, is the notion that freedom consists, in different forms, in self-government or self-direction,

1. Following ordinary usage Price makes no consistent distinction between the terms 'freedom' and 'liberty', using the two alternatively.
2. 'Observations', p. 3.

"It should be observed that, according to those definitions of the different kinds of liberty, there is one general idea, that runs through them all: I mean, the idea of self-direction, or self-government. Did our volitions originate not with ourselves, but with some cause over which we have no power; or were we under a necessity of always following some will different from our own, we should want Physical Liberty. In like manner; he whose perceptions of moral obligation are controuled by his passions has lost his Moral Liberty; and the most common language applied to him is, that he wants Self-government. He likewise who, in religion, cannot govern himself by his convictions of religious duty, but is obliged to receive formulatives of faith, and to practise modes of worship imposed upon him by others, wants Religious Liberty. - And the Community also that is governed, not by itself, but by some will independent of it, and over which it has no controul, wants Civil Liberty." 1.

In all these instances, Price claims, to be free is to be 'under one's own will'. This condition, and it is important to notice the different interpretations which his words give rise to, is variously described as (a) a condition of not being restrained by a force alien to the will of the agent, (b) a condition in which the agent is able to act in accordance with his own will, and (c) a condition in which the agent exercises his own will. These distinctions are important in tracing Price's various redefinitions of 'freedom'. It will also be observed that whereas in the cases of physical, moral and religious liberty the definition refers immediately to a condition of the individual, in the case of civil liberty the definition refers to a condition of the State or Community. In speaking of civil liberty then it would seem that Price is concerned primarily with the conditions wherein a State may be said to govern itself or be 'under its own will'. This is not to say, however, that civil freedom is not enjoyed by individuals, although this formulation raises the problem,

1. 'Observations', pp. 3, 4.

which is conceptual and not merely verbal, of relating the individual to the State, i.e., of showing how it is that an individual enjoys civil freedom in those communities which enjoy civil freedom.

Freedom thus defined is then contrasted with slavery or servitude, the essence of which is "to be without the capacity of self-direction",

"In all these cases there is a force which stands opposed to the agent's own will; and which, as far as it operates, produces Servitude. In the first case (i.e., physical freedom); this force is incompatible with the very idea of voluntary motion; and the subject of it is a mere passive instrument which never acts, but is always acted upon. In the second case (i.e., moral freedom); this force is the influence of passion getting the better of reason; or the brute overpowering and conquering the will of the man. In the third case (i.e., religious freedom); it is Human Authority in religion requiring conformity to particular modes of faith and worship, and superceding private judgment. And in the last case (i.e., civil freedom); it is any will distinct from that of the Majority of a Community, which claims a power of making laws for it, and disposing of its property." 1.

Contrasting servitude with freedom in this way Price always assumes that freedom is of intrinsic value. When he is thinking of freedom in terms of the conditions which make the virtuous life possible, whether psychological, social or political, and when he is thinking of freedom as the practice of the virtuous (and the rational) life, he assumes that freedom itself is a supreme value, a pearl without price for which all else should be sacrificed. Assuming this, he does not take it upon himself to demonstrate explicitly how what he defines as freedom comes to have the value which he attaches to it. For this reason it is important to distinguish these various conditions

1. 'Observations', pp. 4, 5.

and to ask whether in fact they all have the supreme value which their definition in terms of freedom would lead us to suppose that they have. For it might seem that Price is merely indulging in logical manoeuvres to make his conclusions seem plausible.

It might seem as though he is merely defining freedom in terms of self-government, the possession of democratic institutions and national autonomy, so as to associate with the latter the attitudes of approval which the use of the term 'freedom' evokes. But apart from the fact that Price would not regard the evocation of attitudes of approval as the sole function of the term 'freedom', it becomes clear that he does not rely entirely upon the persuasiveness of the term for the plausibility of his argument. He also tries to show that the forms of self-government are intrinsic goods in themselves, and that they are instrumental to other intrinsic goods. to /

Secondly, it might seem as though Price is merely relying upon a confusion between a definition of freedom in terms of self-government and a statement that self-government secures freedom. In interpreting "to be free is to govern oneself" we can distinguish the propositions (a) in which the term 'free' is so defined that the proposition is analytically true:- to govern oneself is to govern oneself, and (b) in which the term 'free' is not so defined:- to govern oneself is to secure freedom. The complaint against Price would be that he was redefining freedom in such a way that in being

required to accept the truth of (a) we might by confusing the use of the term 'free' be led to accept (b) without having any further evidence for accepting (b). In short, by being asked to think of self-government as freedom, we might be persuaded to believe that self-government secures freedom, (otherwise defined).

But although Price's advocacy of democratic institutions and national autonomy would seem to be more plausible if we did confuse the propositions 'self-government is freedom' and 'self-government secures freedom' it is not the case that he relies upon this possibility. It is true that by 'to be free' he sometimes means 'to possess democratic institutions' and at other times he means 'to be without restraint from acting in accordance with the moral law' and, consequently, it would appear that he is misled by the ambiguity (or would have us misled by the ambiguity) to take it for granted that those who live in communities which possess democratic institutions are always unrestrained from acting in accordance with the moral law. He does, however, advance arguments which, he believes, show that democratic institutions secure other freedoms, and therefore does not rely solely upon verbal or logical confusion.

It might also be thought that Price gives plausibility to his argument by defining his solutions in concepts whose use in other contexts makes us favourably disposed to accept his conclusions. For example, he uses 'self-government' (a) to describe democratic

forms of government, and (b) as a synonym for virtuous behaviour; it might, therefore, seem as though he rests his case for democratic institutions upon the device of describing them in the language used for describing virtuous behaviour, appropriating the obvious value of the latter to the former. But while it is true that Price uses several different definitions of his basic concepts such as 'freedom' and 'self-government', - which makes his exposition bewildering because we cannot always be sure what use he gives to the terms - and while it is also true that the confusions we have noted seem to give his exposition an unwarranted plausibility, yet it remains the case that his arguments for democracy and national autonomy do not depend upon the questionable aid which the confusing language in which he expresses them would seem at first glance to give them. In some ways it would perhaps be easier to expound his case ~~with~~ without using the terms 'freedom' and 'self-government'; the uses of these terms are so various that it is easy to lose the wood for the trees in analysing and comparing them. In case we fail to avoid this pitfall, in a later chapter we shall give a more compressed account of the main substance of his contribution, while here we shall concern ourselves with the attempt to put into some order the different uses which he makes of the basic concepts. The importance of doing this is that a study of his redefinition of the term 'freedom' is in itself an example of how a philosopher can mould a concept to do the work which he requires it to do, and of how changes in political

preoccupations are reflected in the use of language in which political problems and theories are formulated. Price's political theory is different from that of Locke, because he addressed himself to the problems of political society preoccupied with a particular problem which was not central to Locke's attention. Superficially the language which he uses is the same as that of Locke, but closer examination shows that the import of that language has been subtly changed. Each political philosopher, if he is to make any significant contribution, has to transform the traditional and approved language of political theory into a suitable vehicle for the discussion and resolution of new problems for which the accepted use of language is inadequate. An examination of Price's language shows us how, under the influence of Rousseau, he modifies and redefines the language of Locke (the conceptual apparatus as it were) in order to deal with the problems which he thought were the main problems of his time.

It is now a commonplace that the term 'free' is an incomplete description and that from the mistake of assuming that it is always completely descriptive and has a unique reference, much futile argument and discussion has arisen. Generally, it connotes the absence of some restriction (free from) and sometimes, though not always, it implies the possession of some ability or capacity (free to); but we cannot fully understand its use or meaning in any context unless we know either to what restriction or to what ability or capacity

reference is being made. When we see the term we know that the absence of some restriction is being referred to, and sometimes that the possession of some ability or capacity is being implied, but we cannot always tell from the word itself, what restriction or what capacity or ability. It is just because it does not necessarily have a determinate reference without specification, that it is misleading and confusing to use it as though it did; it is always salutary, therefore, when using the term to make quite clear what it is that we refer to.

It is, none the less, quite consistent with saying that the terms 'free' and 'freedom' are incompletely descriptive, to say that they have some element of descriptive meaning. Firstly, they can always be given, and sometimes without explicit specification can be understood to have, a unique reference. In any particular discussion we could decide to use the terms to mean, or take the terms to mean, the absence of a particular restriction ('I am now free' could mean and only mean 'I have been released from prison' or 'I have been divorced') and as long as we used them consistently in this way and were consistently understood to be using them in this way, they would then be completely descriptive and uniquely referential. Secondly, even in circumstances where the terms are not completely descriptive they yet have some element of descriptive meaning. Mr. Cranston in his recent work on 'Freedom' seems to be going too far in attacking the assumption that 'free' and 'freedom' are completely descriptive

when he claims that the only constant element of meaning that the terms have is that they are expressive of an attitude of approval. 1. It is agreed that the full descriptive meaning of 'freedom' can vary from use to use, in particular contexts, - now it can refer to the absence of restriction X, now it refers to the absence of restriction Y, - but it does also seem that in all its varied uses it does, in addition to expressing the approval of the person who uses the term, refer to the absence of some restriction. And the fact that it always does refer to the absence of some restriction is the element of descriptive meaning which it always has. When some-one says that he is free, we need not know what particular restriction he is free from, but we do at least know that he is free from some restriction. We may not know what particular subjection he has been delivered from, or what particular power he has acquired, but we do know that he has been delivered from some subjection or that he has acquired some power. If it were the case, that the only constant element of meaning in the use of the term 'free' was that it was used to express or to evoke approval, then we could never be sure that the person using it was ever doing more than evoking or expressing approval; the only element of meaning common to all its uses would be the 'Bravo' or 'Hurrah' element; all that we would be entitled to understand whenever a person said that he was free would be, provided that there were no indications that he was acting or shamming, that he was in a good mood. Yet on

1. M. Cranston, 'Freedom' (1953), p. 22.

inspection it seems that we can be sure that when a person says he is free ~~that~~ he is doing something more than merely expressing (or evoking) approval, and we can be sure that part of the something more which he is doing is saying that he is not restricted. When a person says that he is free he is not only expressing joy, but also stating a fact about his condition (which probably is the ground for his experience of joy); although he does not describe this condition fully, he does say something about it.

If it were the case, as Mr. Cranston suggests, that the only constant element is expressive and not descriptive, then it does not seem that the use of the term would be as persuasive as it is. It is because the word always refers to the absence of some restrictions, and, generally speaking, we approve of the absence of those restrictions, that it has the persuasive force which it has. It is a more forceful recommendation of a state of affairs to speak of it in terms of freedom than to utter indications of approval, because in speaking of it in terms of freedom we are not merely expressing our own attitude towards that state of affairs, but also claiming to characterise the state of affairs itself, and claiming to characterise it in such a way as to indicate that the state of affairs referred to is without some restriction or hindrance, the absence of which we tend to approve.

Anyway, to say that 'to be free' as used in ordinary

discourse always refers to the absence of some restriction does not take us very far. But without considering specialised or recommended uses, and thus leaving the realm of ordinary discourse, it does not seem that the use of the term can be further generalised. In political contexts, however, further generalisation is sometimes given; this is because certain philosophers have recommended, - the recommendation is not always explicitly made, - ways in which the incomplete description can be completed. They have used the term to refer to the absence of some particular kinds of restriction. The ways in which they have done this is very significant for the understanding of their work, for the restrictions which they use the term to indicate the absence of, are those restrictions which they take to be the most interesting to the political philosopher. This is why an analysis of a philosopher's use of the term often indicates what he takes to be the most pressing political problems. In order to appreciate the significance of this, it is important to introduce a qualification to the account of the use of the term 'freedom' which we have given above. Hitherto, we have claimed that the normal use of the term is to refer to the absence of some particular restriction. Now 'freedom' can be used not only to refer to the absence of some (maybe unspecified) restriction, but also to the absence of all restrictions, or, at least, if not to refer to, then to suggest the absence of all restrictions. For example, if a man says that he is free we might take him to mean,

(a) (if we know the context in which he is speaking) that he is now released from prison, or has been granted a divorce, or has been forgiven a debt,

(b) (if we do not know the context) that he has been released from some restriction of this kind, OR

(c) that he is no longer suffering any restriction; not just that he is without a particular restriction, but that he is without any restriction.

Now an objection to the interpretation given under (c) may be that it is impossible to give any clear account or picture of what it would be like for anyone to be completely unrestricted, and that, therefore, the notion of complete freedom is, strictly speaking, meaningless. And it might well be argued that if someone did think himself to be completely unrestricted in this way, he would only have to think for a moment and he would realise that he was not and could not be completely unrestricted, and that the notion of complete freedom is consequently meaningless. But though this may well be true (except that in certain religious contexts it might well be possible to give a meaning to freedom or complete freedom in this sense), that is, although it may be impossible to give an account of the nature of complete freedom, and that the realisation of this impossibility should disabuse us of the futile habit of talking as though we could give such an account, yet it does not follow that the term cannot be given this meaning and this use, or that its ordinary

usages are not tinged with the suggestion of 'complete freedom'. It may be healthy for political discourse to take a tough positivist or concrete line on the 'meaning' of terms and claim that no term should be used in discourse for which a precise account cannot be given of its application, but the recommendation of the positivist is misleading if it confuses the way in which we should use language with the way in which we do use it. It may well be that we should only use 'freedom' in any particular context to refer to the absence of some particular restriction, and that we should always be careful to make clear what it is that we refer to; but this is not here in dispute. What alone is suggested here is that when we use the term we do not always only refer to the absence of some restriction; we sometimes use it to suggest the absence of all restrictions, and in a way that assumes the possibility of our being able to give an account of the nature of the absence of all restrictions. For example, the man who says when he is leaving prison that he is free, may not be only stating that he is out of prison; he may also be suggesting, albeit in a vague way, that he now without any restrictions. The fact that he could not be without any restrictions, is irrelevant to what he means, for he may well believe, if only temporarily, that all his difficulties are over.

This particular feature of the way in which we use the term accounts for some of the persuasiveness of its use, for when we describe or recommend a situation or state of affairs as a condition of freedom, we tend to suggest that some-one placed in such a situation is not only released from the particular restrictions which dominate our attention but from all restrictions. In this way our use of the word illustrates a limitation in our imaginations; it often happens that we think that if we rid ourselves of the dominant threat to our security, we shall thereafter be free from all threats. That we often only remove one source of fear to replace it with another proves our anticipation of security to have been illusory. This capacity for deluding ourselves is difficult to eradicate, and the ease with which we assume that if we conquer one difficulty then all our troubles will be over, reflects itself in the ease with which we tend to pass from thinking of 'freedom' as the absence of a particular restraint to 'freedom' as the absence of all restraints. It is this elasticity in the use of the term, made possible by the fact that many of its uses are incompletely descriptive, coupled with its approval value, which makes the concept highly persuasive.

In a more modified and less misleading way 'freedom' is used to suggest, not the absence of all, but the absence of the most important, restrictions. Using the term in this way philosophers have wanted to suggest that in the state or condition which they describe as freedom

not that we should be completely free from all restrictions, but that we should be free from the most important ones. As philosophers have had different views as to what these are, the content that they have given to the term has been different. For this reason an analysis of the use of the concept and a comparison of the recommended definitions illustrate different conceptions of what are the main political problems and the growth and development of these differences.

It is, for example, interesting to study the Eighteenth Century use of 'freedom' in terms of the absence of coercion, more precisely, in terms of the absence of coercive restrictions arising by human design and intention. It can easily be shown that such a definition of the use of 'freedom' in political contexts, is inadequate, especially for modern purposes; for we use the term to refer to the absence of those restrictions on human activities and human welfare which arise 'in rerum natura' and from the non-intentional intrusions upon our activities and welfare by others. We use 'freedom' in such a way (cf. President Roosevelt's four freedoms) that allows it to be significant for political discourse that our activities, our happiness, and our welfare are invaded and threatened by illness, poverty, famine, natural disasters and so forth. That it was not so used in political contexts in the Eighteenth Century is significant testimony to what the thinkers of that time conceived to be the true limits of political activity. The restrictions which engaged their attention were those that arose from the deliberate

attempts of one person or one section of the community to coerce others; ^{? they} there were not, therefore, so concerned to treat as political problems the problems of poverty, famine and disease.

If we turn to Locke's discussion of political freedom we find that it is defined as the absence of arbitrary rule. Uppermost in his mind are the dangers of absolutist government,

"Freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it; a liberty to follow my own will in all things, where that rule prescribes not; and not to be subject to the inconstant, uncertain, unknown arbitrary will of another man: as freedom of nature is to be under no other restraint but the law of nature." 1.

There are at least two things which Locke understood by arbitrary rule. Firstly, arbitrary rule is government determined by caprice or whim, where there is no constant, certain and 'settled' rule known and anticipated by the governed. Secondly, arbitrary rule is personal rule. It would satisfy Locke's first criterion for non-arbitrariness if a despot ruled with the inflexibility ascribed to the Medes and Persians; but inflexibility in the application of a rule is not of itself sufficient to constitute political freedom. In addition to the law being certain, known and applied consistently and uniformly, it does not have to be determined by personal inspiration. This was so because bitter experience under the Stuarts had shown that personal rule could be capricious, uncertain and irrational. The alternatives

1. 'Second Treatise', (ed. J.W. Gough), sect. 22.

to personally inspired rule were either rule in accordance with the traditional laws of the community or rule in accordance with the provisions of the moral law. Locke tends to assimilate both of these; he assumes, as Hooker did, that traditional formulations are in accordance with normative sanctions. Accordingly, if subjects are ruled by the traditional laws of the community, then non-arbitrariness in both senses is ensured and they can be said to enjoy political freedom. Should a subject feel that he is coercively restrained by such law he nonetheless enjoys political freedom. This consideration serves to illustrate the distinction between Locke's treatment of political freedom and his treatment of liberty; for, if we take 'liberty' to be defined as the absence of coercive restrictions, and not just as the absence of the coercive restrictions of arbitrary power, it becomes possible to assert that whereas just government secures political freedom it does at the same time confine liberty in certain respects. In much of what Price has to say of the nature of political freedom he speaks the language of Locke, especially when he deals with the content of the traditional or natural law which society should enforce. To each one it should ensure,

"The power of commanding his own conduct and the quiet possession of his life, person, property and good name." 1.

Like Locke he presents himself as an opponent to arbitrary power and of the Dissenters he says,

1. 'Additional Observations', p. 13.

"They are all Whigs, enemies to arbitrary power, and firmly attached to those principles of civil and religious liberty which produced the Glorious Revolution and the Hanoverian Succession. Such principles are the nation's best defence; and Protestant Dissenters have hitherto reckoned it their glory to be distinguished by their zeal for them, and an adherence to them." 1.

The capriciousness of arbitrary rule is excluded by the rule of law, which should be constantly and uniformly applied with no discrimination for particular persons. 2. He also follows Locke in holding that mere universal application of the law is not sufficient to constitute freedom. By arbitrary government he also understands personal government, so that if a community is to be free it must not be governed by the will of one man or of one section of the community. In answer to a sermon preached by the Archbishop of York on Feb. 21st, 1777, in which the prelate had maintained that liberty consisted in the supremacy and rule of law, Price claimed that the maintenance of law alone was not sufficient. Freedom can only be ensured if the laws are 'equal' and made with common consent; even the qualification that law must be made for the common good is not sufficient,

"as long as it is not specified where the power is lodged of judging what laws are for the good of the community." 3.

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1. 'Introduction to 1778 edition', p. x. fn.
 2. Ibid., p. vii.
 3. Ibid., p. viii. Cf. 'Observations', p. 7. "Liberty, therefore, is too imperfectly defined when it is said to be 'a Government by Laws, and not by Men.' If the laws are made by one man, or a junto of men in a state, and not by COMMON CONSENT, a government by them does not differ from Slavery. In this case it would be a contradiction in terms to say that the State governs itself."

Now, if we take 'freedom' to be defined as (A) the absence of personal rule or personally inspired rule, it is interesting to note some formal ways in which equivalent definitions may be given. If we assume that there is an exclusive disjunction between personal rule and rule determined in accordance with the law of nature, then we can say that men will enjoy freedom where they are subject and only subject to laws determined in accordance with natural law. Mutatis mutandis, the same conclusion holds good if we assume that there are exclusive disjunctions between personal rule and rule in accordance with the Divine Law, and between personal rule and rule in accordance with reason. Given that personal rule is excluded by rule in accordance with natural (Divine, rational) law, then the proposition that subjection to laws formulated in accordance with natural (Divine, rational) law secures freedom is analytically true. An example of this procedure is to be found in Rousseau, who defines freedom as the absence of 'personal dependence',

"Freedom being that condition which, by giving each citizen to his country, guarantees him from all personal dependence." 1.

The condition of personal dependence is exemplified in the master-slave relation and in the father-child relation. The child is

1. 'Social Contract', (trans. Gerard Hopkins, World's Classics Series, 1947), Bk. I, ch. VII, p. 262. In the eighth book of the 'Confessions' Rousseau explains that he gave up the post of cashier to M. Francueil, the Receiver-General of Finances, to become a music copyist because the latter was the sole employment which would enable him to earn his daily bread "without dependence". 'The Confessions' (trans. J.M. Cohen, 1953), p. 338. In criticism Burke called this not personal independence but 'unsocial independence', 'Letter to a Member of the National Assembly', Works, Vol. II, p. 537.

dependent upon the father because he is without the capacity to make decisions for himself and because he is without the power to realise them. The slave, according to Rousseau, has relapsed into the condition of childhood because he has allowed another to impose his will upon him, and, in so submitting, has alienated his own personal responsibility. But there is a difference between the condition of the child and the condition of the slave; because he has no will of his own the child is not in a condition where his will is overborne by that of his father. Personal dependence in the child is thus both natural and legitimate.^{1.} But the adult, who possesses a will of his own, in the condition of personal dependence suffers the domination of his own will. This distinction between personal dependence in the child and personal domination in the slave serves to elucidate the particular element in slavery to which Rousseau wishes to draw attention, namely, the subjection of one mature will to the will of another. Such a form of dependence is both unnatural and illegitimate.^{2.}

One way in which the condition of personal dependence in a community can be avoided, according to Rousseau, is to place everyone under the regulation of a rule which is the rule of nature. In 'Emile' he says,

1. 'Social Contract', Bk. I, Ch. IV, p. 247.
 2. 'Social Contract', Bk. I, Ch. IV, p. 248.

"There are two kinds of dependence: dependence on things, which is the work of nature; and dependence on men, which is the work of society. Dependence on things, being non-moral, does no injury to liberty and begets no vices; dependence on men, being out of order gives rise to every kind of vice, and through this master and slave become mutually depraved. If there is any cure for this social evil, it is to be found in the substitution of law for the individual; in arming the general will with a real strength beyond the power of any individual will. If the laws of nations, like the laws of nature, could never be broken by any human power, dependence on men would become dependence on things; all the advantages of a state of nature would be combined with all the advantages of social life in the commonwealth. The liberty which preserves a man from vice would be united with the morality which raises him to virtue." 1.

Where law exhibits a natural dependence which excludes all forms of personal dependence, men will be free. Substituting Divine Law for natural law (or the forms of natural dependence) Price adopts a similar method of obtaining equivalent definitions of freedom. The elimination of 'oppression' - the domination of one person by another - is to be found in a rule determined in accordance with God's will,

"It is Civil Liberty, or such free government as I have described, that alone can give just security against oppression. One government is better than another in proportion as it gives more of this security. It is, on this account, that the supreme government of the Deity is perfect. There is not a possibility of being oppressed or aggrieved by it. Subjection to it is the same with complete freedom." 2.

An alternative method of securing freedom, defined as the absence of personal dependence or personal domination, is to be found in making each man personally independent. Man can be delivered from personal subjection either by being placed under God's will (natural law,

1. 'Emile', (Everyman's Edition), p. 49.

2. (Additional Observations', pp. 15 and 16.

rule of reason) or being placed under his own will. The problem of so defining a person's situation in society that he remains only under his own will, Rousseau takes to be the basic political problem,

"Some form of association must be found as a result of which the whole strength of the community will be enlisted for the protection of the person and property of each constituent member, in such a way that each, when united to his fellows, renders obedience to his own will, and remains as free as he was before." 1.

Rousseau synthesizes both of these equivalent definitions of freedom. Firstly, he assumes that there is a form of natural dependence which excludes personal domination. If social relationships are regulated in accordance with this natural form then they will not exhibit any of the undesirable features of personal dependence and servitude. Secondly, he assumes that this form of natural dependence exhibits an identity of individual wills, so that in being subject to the natural form the individual is subject only to his own will or to a will which is identical with his own. In this way natural independence achieves a new significance, because it entails not only not being restrained by another will, but also being under one's own will. For each rational adult it is both a condition which excludes personal domination and a condition of personal independence. This synthesis has an important influence upon Price's thought, for substituting the notion of Divine Law for natural law, the same considerations hold good.

1. 'Social Contract', Bk. I, Ch. VI, p. 255. Cf. Bk. II, Ch. IV, p. 280. "So long as the subjects of a State observe only conventions of this kind, they are not obeying a single person but the decision of their own wills."

If man is subject to the Divine Law and to laws formulated in accordance with the Divine Law, he avoids "oppression" and achieves personal independence. We are thus led to consider another definition of freedom. Hitherto, we have concerned ourselves with freedom defined (A) as the absence of personal rule and personal dependence; we now need to consider freedom defined (B) as the absence of restrictions upon the individual will. Under (B) personal independence is not just one of the conditions which ensures freedom (A) but an essential condition. A comparison of the differences between (A) and (B) will enable us to see the force of Rousseau's synthesis of natural dependence and personal independence, and Price's synthesis of dependence of the Divine will and personal independence.

Under definition (A), assuming the exclusive disjunction of personal domination and natural dependence, it is analytically true that a person is free if naturally dependent. But under definition (B) this is no longer the case. On the contrary, it would seem that a person could not be free in the sense that there are no restrictions upon his will if he is subject to natural law. Similarly, it would seem that a person could not be free in this sense if he is subject to God's will or to laws formulated in accordance with God's will. Yet both Rousseau and Price hold that man is free in the sense that there are no restrictions upon his will, if he is subject to laws formulated in accordance with natural law or Divine Law. How then can this be possible? The answer

to this lies in the fact that both Rousseau and Price assume a valuation of the individual will. Rousseau assumes that there is an identity between the individual will and natural law, and Price assumes that there is an identity between the individual will and the Divine Will. Just as Rousseau identifies personal independence with the natural form of dependence, so Price identifies personal independence with dependence upon the will of God. Consequently, the will of God does not restrain the individual will, but only those elements in his character which obstruct the expression of his own will. This alleged identity between the individual will and the will of God (or the rational will), which anticipates the misleading tendency of the Idealists to identify the person with the rational ideal with which the rational person seeks to identify himself, is clearly stated in the following passages:-

Rem. "In order rightly to understand it (that there is a moral slavery which ought to be the principal object of our detestation, and consequently a moral liberty which ought to be the principal object of our attachment) you must consider what that is which is most properly a man's self. The slightest reflection will show you, that it is, ^{e/} without doubt, not his passions, but his reason or his judgment, prescribing what is right, and prohibiting what is wrong. The conscience of a man is the man; the reflecting principle is our supreme principle. It is what gives our distinction as intelligent creatures; and whenever we act contrary to it, we violate our natures, and are at variance with ourselves. They are biasses or determinations given us by the author of our being, which we might have wanted, and which are intended to be subordinate to reason. Now liberty being an exemption from all such force as takes away from us the capacity of acting as we think best, it is plain that whenever any passion becomes predominant within us, or causes us to contradict our sentiments or rectitude, we lose our liberty, and fall into a state of slavery.

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"When any one of our instinctive desires assumes the direction of our conduct in opposition to our reason, then reason is overpowered and enslaved, and when reason is overpowered and enslaved, we are overpowered and enslaved. On the other hand, when our reason maintains its rights, and possesses its proper seat of sovereignty within us; when it controls our desires and directs our actions so as never to yield to the force of passion, then are we masters of ourselves and free in the truest possible sense. A person governed by his appetites is most properly a slave

"There is but one just authority in the mind, and that is the authority of conscience. Whatever conquers this, puts us into a state of oppression. Every principle, except reason, that can get an ascendancy within us is an usurper, and all submission to it is a base submission to an usurpation..... To be carried away blindly by anything contrary to our own approbation, is to be reduced to captivity and servitude. Every man is a law to himself. As far as he has the ability of complying with this law, he has self-dominion and is free It is not the man who denies his passions in obedience to his judgment who most properly practices self-denial, but the man who does the contrary, -- the man who denies his judgment in obedience to his passions. This man denies what alone is truly himself. He denies his reason. He denies his best and highest powers; and subjects himself necessarily to self reproach and remorse. To deny passion at the call of rectitude is to gratify ourselves in the noblest manner; but to deny conscience at the call of passion, is to wound ourselves fatally

"The more we are in subjection to reason, the more power we have to do as we like. The dictates of reason are the dictates of our own hearts; and obeying them is following the dictates of our hearts, and therefore the very reverse of any thing that can be deemed force or slavery. The absolute government of reason would be an absolute dominion over our resolutions and actions, and therefore would be absolute and perfect liberty; ... To be governed by our consciences is to be governed by our own choice. To be governed by passion, is to have a force put upon us in opposition to our own choice; for whoever does wrong in compliance with passion, is dragged in a manner to what he does. He loathes it at the time he does it. He feels himself not master of his conduct, and groans under a sense of his miserable weakness." 1.

This identification of the person with the rational will is doubly unfortunate. In the first place, it prevents us attaching any significance to the statement, which we clearly hold to be significant,

1. Sermon No. XI, 'The Works of Richard Price', pp. 208-216.

that the individual will is sometimes restrained by the Godlike (rational, natural) will. This implication can be most clearly seen in Price's paradoxical statement of the identity between the individual will and the moral will in the 'Additional Observations',

"Moral liberty, in particular, cannot be better defined than by calling it "a power in everyone to do as he likes". My opponents in general seem to be greatly puzzled with this; and I am afraid it will signify little to attempt explaining it to them by saying, that every man's will, if perfectly free from restraint, would carry him invariably to rectitude and virtue; and that no one who acts wickedly acts as he likes, but is conscious of a tyranny within him overpowering his judgment, and carrying him into conduct, for which he condemns and hates himself." 1.

Secondly, it misleads Price into assuming that, since the individual will is identical, through the mediation of rational intuition, with God's will, the judgment and the volition of the individual is always inspired and trustworthy. Here is the germ of the error of which Price is not guiltless: 'vox populi, vox Dei'.

Thirdly, it conceals the fact that when Price defines freedom as the absence of restrictions upon the individual will he implicitly relies upon an evaluation of the individual will. Although he often suggests that freedom is to be understood as completely unrestricted activity, he only intends that freedom is to be understood as the absence of restrictions upon conscientious and rational activity. His statements are confused (a) because he never makes a clear-cut distinction between his uses of 'freedom' and 'liberty', and (b) because

1. 'Additional Observations', p. 11.

he does not maintain consistently his specialised definition of freedom. This can be seen in the following passage,

"I do not, therefore, think it strictly just to say, that it belongs to the nature of government to entrench on private liberty. It ought never to do this, except as far as the exercise of private liberty encroaches on the liberties of others. That is; it is licentiousness it restrains, and liberty itself only when used to destroy liberty." 1.

To elucidate Price's meaning it is useful to employ a distinction between civil freedom (being unrestrained from acting in accordance with one's conscience) and liberty (being unrestrained from acting)²; his meaning may then be paraphrased as follows:

"I do not think it strictly just to say that it belongs to the nature of government to entrench upon civil freedom. It ought never to interfere with liberty except as far as the exercise of liberty encroaches on the liberties (or civil freedom) of others. It is liberty which it restrains only when it is used to destroy liberty (or civil freedom)."

1. 'Observations', p. 13.

2. Cf. 'Social Contract', Bk. I, Ch. VIII, p. 263.

If Price always meant by liberty or freedom, civil freedom, then on his assumption that conscience defines a harmony, he could not hold that it is possible for the exercise of liberty to destroy liberty. On the other hand, if by liberty or freedom he always meant liberty as defined above he could not hold that government should never encroach upon liberty. This confusion is avoided if we maintain the distinctions referred to above, and avoid the concealed reliance on the assumption that the individual will always exercise his liberty in accordance with his conscience by taking Price to define freedom as not being restricted from acting in accordance with conscience.

The importance of the transition from definition (A) to definition (B) is reflected in the following change of emphasis. Price's redefinition extends the usage of 'freedom' to refer not only to the exclusion of the oppressions of arbitrary rule, but to all those restrictions which the individual rational judgment or conscience finds oppressive. Servitude is,

"Human Authority in religion requiring conformity to particular modes of faith and worship, and superseding private judgment." 1.

This transition elucidates what the assumption that men are free if they are shielded from the restraints of arbitrary power leaves obscure, namely, that traditional formulations of the moral law

1. 'Observations', p. 4.

can be oppressive to the individual conscience. Although, as we have seen, Price tends to assimilate freedom and liberty by defining both in terms of the absence of restriction upon volition, it must always be remembered that it is the absence of restrictions upon conscientious and rational activity that forms the hub of his interest. His definition of freedom in terms of the absence of restrictions upon the individual will always presupposes an evaluation of that will. It is here that we see the importance of his assumption that there is a harmony of conscientious activity, secured by a moral order whose provisions are incorrigibly revealed to rational intuition, for, to be significant, his definition of freedom as the absence of restrictions upon individual conscience presupposes the feasibility of allowing and ensuring such a freedom to each one.

A further distinction to be noted in Price's definitions of freedom is the transition from definition (B) as the absence of restrictions upon the individual (conscientious, rational) will, to definition (C) as the ability to act in accordance with the individual (conscientious, rational) will. It will be noted that our not being restricted from acting in accordance with our own will does not entail our being able to act in accordance with our own will, for it may well be the case that we do not have the power to do that which we are not restricted from doing. If, however, we assume that where we are not in fact restricted from acting in accordance with our wills, we are always able to so act, then we imply that we always have the power to

do that which we are not externally restricted from doing. Price's tendency to assimilate definitions (B) and (C) shows his tendency to assume that we are only robbed of our ability to act in accordance with our consciences by external restrictions, and this, in turn, illustrates his tendency to assume that the individual is self-sufficient in the sense that he always possesses the resources which enable him to act in accordance with his own will.

We may now proceed to discuss a further feature of Price's redefinitions. We have already discussed freedom defined (A,B) as the absence of certain restrictions, and (C) as the possession of the ability to act; it is now necessary to discuss freedom defined as (D) a kind of activity, namely the activity of self-government. As we have noted above,^{1.} Price distinguishes four kinds of freedom in this sense:- the physical, the moral, the religious and the civil. Bearing in mind that he also defines moral freedom as (A,B) the absence of restrictions from acting in accordance with conscience, particularly, the absence of those restrictions which originate in the passions, and as (C) the possession of the ability to act in accordance with conscience, let us first consider moral freedom defined as the activity of self-government. According to Price, in order that a person may be said to govern himself, he must act in accordance with the moral law. Because he identifies the personal will with the moral and the rational will, in effect, self-government requires action in accordance with the dictates of

1. See above, p. 173.

conscience. Self-government also requires that a person must act in accordance with the moral law. Now, since all action is an instance of physical self-government, all moral self-government requires physical self-government. The distinctive feature of all action (and of all physical self-government) is that the behaviour of the agent originates with and is determined by the agent himself. Thus no behaviour is an instance of action (or physical self-government) where it is the resultant of forces or determination which cannot be properly said to belong to the agent. Unfortunately, Price does not give us extensive criteria for distinguishing actions which are to be attributed to the agent's own self-determination from that behaviour whose determination is attributable to 'foreign causes', but in general terms we are to understand by self-determined behaviour (or actions) behaviour which is characterised by intention and decision. A person governs himself in the physical sense only where he intends to behave as he does behave.

Self-government therefore requires (a) that the agent acts in accordance with his own will, and (b) that he himself determines himself to behave in the way in which he does behave. And since there is an equivalence between acting in accordance with the moral law and acting in accordance with one's own will, these requirements can be restated as follows:- (a) the agent must act in accordance with the moral law, and (b) he himself must decide to act in accordance with the moral law.

The peculiar and misleading consequences of defining 'action' in this way and of assuming that there is no conflict between the individual will and the moral law can be brought out by showing the following curious implications of Price's position and of showing that he did not always intend what his language might seem to express. Firstly, no one can be compelled to act. This is so because Price holds that compulsion excludes self-determination. Since the latter only can be termed action, it follows that no one can be compelled to act. 'A fortiori', it is logically impossible for anyone to be compelled to act in accordance with the moral law. But this is not to say, however, that one cannot be compelled to behave in accordance with the moral law. Secondly, no one can act in contravention of the moral law. For since all action is self-determination, since all self-determination is in accordance with the will of the agent, and since the will of the agent can never be at variance with the moral law, it follows that no actions can be at variance with the moral law. This is not to say, however, that one's behaviour cannot be at variance with the moral law. Thirdly, since each person always wants to act and to behave in accordance with the moral law, there never is any reason to compel any person to behave in accordance with the moral law. For although Price states that behaviour which is legitimately assignable or attributable to personality is always in accordance with the moral law, he does not mean that there are no manifestations of behaviour

which are at variance with conscience. He only intends that that behaviour which is legitimately attributable to personality is not at variance with conscience. And this is consistent with saying both that there is some behaviour which is at variance with the moral law and that such behaviour should be restricted. Price's language which suggests that everyone should be free to do as he likes is misleading. He only intends that there should be no restrictions upon a person's actions, i.e., his intentional behaviour in accordance with the moral law. Thus though Price seems to advocate anarchy, in fact, he claims only that people should enjoy freedom to act in accordance with their own wills which remain circumscribed by the demands of the moral law.

It is important to note that Price does not include in the notion of moral self-government, the idea that the agent devises or creates his own moral rules. It does not have to be the case that in order for a person to be said to govern himself morally, he has to be his own moral legislator. Neither does it have to be the case that the agent formulates the rules in any sense which implies original and creative activity. The construction of moral perception as the immediate rational intuition of the provisions of the moral order, in effect, precludes the possibility that the agent either creates or formulates his own moral imperatives. It is because the rules

which a person adopts are in accordance with his own will, that action in accordance with the moral law is self-government, and not because the person himself legislates the content of conscience. Furthermore, Price does not argue that a moral rule becomes a moral rule simply by its adoption as a moral rule by the agent. He would concede that if a moral rule is to become practically effective it must be adopted by some one, but would argue that this truth does not imply that the morality of a rule is constituted by its adoption as a moral rule. The latter position, Price is clear, is a version of the naturalistic fallacy.

Before proceeding to discuss Price's definition of civil self-government, it is interesting to compare his definition of moral self-government with his account of virtuous action. In the 'Review' he states that the following features are essential to virtue, the first two concerning the capacity for virtue, liberty and intelligence,

"The liberty I here mean is the same with the power of acting, and determining: And it is self-evident, that where such power is wanting, there can be no moral capacities. As far as it is true of a being that he acts, so far must he himself be the cause of that action, and therefore not necessarily determined to act." 1.

Liberty is equivalent to physical self-government. Of intelligence Price says,

"Intelligence is another requisite of practical morality. Some degree of this is necessary to the perception of moral good and evil, and without this perception, there can be no moral agency." 2.

1. 'Review', p. 181.
2. Ibid., p. 183.

Now in order that an action may be deemed virtuous, an agent endowed with liberty and intelligence, must act deliberately in accordance with a moral rule,

"An agent cannot be justly denominated virtuous, except he acts from a consciousness of rectitude, and with a regard to it as his rule and end." 1.

"If we consider that alone as most properly done by an agent, which he designs to do, and that what was no way an object of his design is not strictly imputable to him, or at least cannot give him any claim to merit or praise, it will follow that he cannot be properly said to practice virtue who does not design to practice it, to whom it is no object of regard, or who has it not at all in his view." 2.

It will be noted that virtuous action has all the characteristics of moral self-government; the converse is not, however, true, for there is one feature essential to virtuous action which is not essential to moral self-government, or deliberate action in accordance with the moral law. A virtuous action must not only be done in accordance with the law but out of 'affection' or from a 'relish' for the law. Here Price seems to be anticipating the Kantian 'respect' (achtung),

"We characterise as virtuous no actions flowing merely from instinctive desires, or from any principle except a regard to virtue itself. This, I have endeavoured to prove, to be the object of the supreme affection and the ultimate end of a virtuous agent as such. Virtue, if I have argued right, must be desired, loved, and practised on its own account. Nothing is any exercise of it, but what proceeds from an inward relish for it and regard to it, for its own sake." 3.

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1. 'Review', p. 184.
 2. Ibid., p. 188.
 3. Ibid., pp. 198, 199.

Applied to civil matters, the idea of self-government implies two distinct notions; as applied to communities or nations it implies national or communal autonomy, as applied to individuals it implies the possession of the right to participate in the process of government,

"The force superceding self-government in a state, or the power destroying its Liberty, is of two kinds. It may be either a power without itself, or a power within itself. The former constitutes what may be properly called external, and the latter internal slavery. Were there any distant state which had acquired a sovereignty over this country, and exercised the power of making its laws and disposing its property, we should be in the first kind of slavery; But the slavery most prevalent in the world has been internal slavery. - In order better to explain this, it is proper to observe, that all civil government being either the government of a whole by itself, or of a whole by a power extraneous to it, or of a whole by a part; the first alone is Liberty, and the two last are Tyranny, producing the two sorts of slavery which I have mentioned." 1.

As applied to individuals it will be seen that the notion of self-government in civil matters implies an element which is not present in the notion of moral self-government, namely, that the individual, if he is to govern himself, must participate in the formulation of the rule by which his conduct is regulated. This additional element enables Price to point to what he regards a crucial difference between the moral law and political law, namely, that the latter requires deliberation and has a human source, whereas the former is neither variable nor man-made. The question arises as to what is the relationship between moral self-government and civil (political) self-government. 'Prima facie' it would not seem to be the case

1. 'Additional Observations', pp. 5, 6.

that political self-government is an essential condition of moral self-government. That is, it does not seem to be the case that we must have political rights and participate in the procedures of government if we are to enjoy those conditions in which we may act in accordance with the dictates of our consciences. As far as government is concerned, all that is necessary to ensure the conditions of moral self-government on Price's hypothesis is that each individual should be able to accept the requirements of the law without violating the demands of his own conscience, and it does not seem that he could only enjoy such a freedom in a community in which he had equal and political rights. This is, however, what Price does suggest. He follows Montesquieu in holding that in every free state "every man is his own legislator"¹. As can be seen in the following quotations, Price synthesises freedom defined as the ability to act in accordance with one's own will with freedom defined as the equal possession of political rights,

"A distinction should be made between the Liberty of a state, and its not suffering oppression; or between a free government, and a government under which freedom is enjoyed. Under the most despotic government liberty may happen to be enjoyed. But being derived from a will over which the state has no control, and not from its own will; or from an accidental mildness in the administration, and not from a constitution of government, it is nothing but an indulgence of a precarious nature, and of little importance." 2.

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1. Cf. Montesquieu, 'Esprit des Lois', (Nugent's translation) 1878, Vol. 1, Bk. XI, Ch. 6. "As in a country of liberty, every man who is supposed a free agent ought to be his own governor; the legislative power should reside in the whole body of the people."
 2. 'Additional Observations', p. 3.

"It is not the mere possession of Liberty that denominates a citizen or a community free; but that security for the possession of it which arises from such a free government as I have described; and which takes place, when there exists no power that can take it away." 1.

In his 'Essay on the First Principles of Government', Priestley had distinguished civil and political liberty and had argued that, although the best defence the people had for their civil liberties lay in the possession of political rights, the latter was not an essential condition nor a sufficient condition for the enjoyment of civil freedom.^{2.} In commenting on this distinction Price admits that it is an important one for theoretical purposes but insists, more emphatically than Priestley does, that civil rights are not likely to be secure without the possession of political rights.

1. 'Additional Observations', p. 14.

2. "Civil Liberty is that power over their own actions which the members of a State reserve to themselves, and which their officers must not infringe..... (It) extends no further than to a man's conduct, and signifies the right he has to be exempt from the controul of the society, or its agents: that is, the power he has of providing for his own advantage and happiness." Political Liberty "consists in the power which the members of the State reserve to themselves of arriving at the public offices, or, at least, of having votes in the nomination of those that fill them..... it is equivalent to the right of magistracy, being the claim that any member of the State hath to have his private opinion or judgment become that of the public, and thereby controul the actions of others." Second Edition, Collected Works, (ed. Rutt), Vol. XXII, p. 11.

"Political and civil liberty though very different, have, however, a very near and manifest connexion; and the former is the chief safeguard of the latter, and on that account principally it is valuable and worth contending for (ibid. p. 33).... for the more political liberty the people have, the safer is their civil liberty." (ibid., p. 34). (cont.)

It might seem as though Price is depending upon the ambiguities of "being under one's own will" in order to establish his claim that moral self-government requires political self-government. It might seem as though he argues that because we should be under our own wills in the sense that we should act in accordance with the moral law, we should also be under our own wills in the sense that we should participate in all legislation which affects us. But though the plausibility of this claim is heightened by the terms in which he expresses it, it does not depend upon this alone. Price assimilates the two kinds of freedom because he believes that it is only where one rules oneself that one is governed in accordance with one's own conceptions. This belief illustrates his dependence upon the view that government by others is always wholly coercive in character.

Unlike Price, Priestley allows that democracy may be tyrannical, "For the government of the temporary magistrates of a democracy, or even the laws themselves, may be as tyrannical as the maxims of the most despotic monarchy, and the administration of the government may be as destructive of private happiness." (ibid., p. 29).

Thus, although he admits that there is an important connection between the possession of democratic institutions and civil freedom, he denies that the former is essential to the latter, and affirms that the desirability of the former is an empirical consideration,

"We are so little capable of arguing 'a priori' in matters of government, that it should seem, experiments only can determine how far this power of legislation ought to extend." (ibid., p. 31).

Price comments,

"Dr. Priestley..... makes a distinction between civil liberty and political liberty; the former of which he defines to be "the power which the members of a state ought to enjoy over their actions;" and the latter, "their power of arriving at public offices, or, at least, of having votes in the nomination of those that fill them". This distinction forms a very proper division of the liberty of the citizen here mentioned; and it may be accomodated to all I have said on this subject, by only giving some less general name to that which Dr. Priestley calls civil liberty." 'Additional Observations', p. 13. fn.

One man, Price claims, cannot rule another without compelling him against his will. It would thus seem that he is following in the liberal or empiricist tradition that government is inherently evil, and that, therefore, the less government there is the better. But this antipathy to government is restricted to government by others. Self-government, or government by the people, is free from these strictures,

"A people will never oppress themselves, or invade their own rights." 1.

The underlying assumption of Price's argument, which is not always made explicit, is that a minority will always abuse the exercise of political power. As in religious matters, so in political matters, the few cannot be trusted to safeguard the rights of the whole. He does not, however, rely on the assumption which may be read into Rousseau's doctrine of the general will, that the judgment of the many is superior to that of the few. He does not argue that the common good, or the ends which government should seek, can only be discerned by a collective judgment. To so argue would be to elevate the collective judgment at the expense of the individual, and violate the fundamental assumption that the individual directly and incorrigibly apprehends the ends of government.

1. 'Additional Observations', p. 16.

A further argument which Price uses for showing that political self-government is essential to moral self-government lies in an elaboration of the Doctrine of Consent. In the tradition of the Social Contract theory, he claims that government is an artifice for securing certain purposes. Any particular government can only command the allegiance of the people where it secures these purposes and where it is seen and understood by the people to secure them. The title of any particular government depends upon the consent of the people in the sense that the people must see and agree that the particular government justifies itself in the performance of its functions. Conscience thus performs an act of judgment not only upon the ends and aims of government as such, but also upon the performance of any particular government. Of course, if a government sets out to achieve the purposes which the people believe that it should achieve, and is successful in achieving them, it will govern in accordance with the claims of conscience in both respects, for the people in being governed in accordance with their own moral conceptions will be able to accept the claims which government makes; they will not be restrained against their moral wills because they will see and agree that the acceptance of such claims is necessary to secure the purposes which they have in mind to secure. The Doctrine of Consent, however, implies more than that there should be an acceptance of the claims of government where the particular performance of government satisfies the prescribed

standards. It also presupposes that the people have a continuous responsibility to criticise the performance of government, and, where necessary, to change the forms of government. As we shall see in greater detail in our next chapter, it was by placing greater emphasis upon this responsibility for government that the radicals transformed the whig conception of political theory. In Locke's thought the creative powers of the people are invoked at the foundation of society, but, once the institutions by which society is to be governed have been determined, they are indefinitely suspended by the act of delegation which creates the legislature. Thereafter the people have a continuous responsibility to see that government does not exceed the limits which are prescribed for it, but they do not retain any rights to modify the Constitution - Locke's 'a priori' Constitutionalism precludes this - nor do they remain in any way directly responsible for legislation. For Price, as for Rousseau, however, these responsibilities which the people have for government can never be alienated. Not only do they have a continuous responsibility to supervise the performance of government, but they also have a continuous responsibility to seek improvement in the forms of the Constitution and a continuous responsibility to inspire legislation and to participate in the functions of government. Because these are moral responsibilities, they cannot be alienated. To be a full moral agent it is not sufficient

to be ruled in accordance with one's conscience; our obligations cannot be fully stated in terms of obedience to laws which our consciences can accept, for they include responsibilities for the condition of the law. And since each citizen has equal responsibilities in these matters he should enjoy equal political rights. This emphasis is, perhaps, Price's most significant contribution to political theory; as in Rousseau, but more emphatically since the individual judgment is never overshadowed by that of the community, the citizen is emancipated from moral tutelage and endowed with full and equal moral responsibility for the government of his community. When Price comes to discuss the practical implications of his theory, he realises that in a large community it is impossible to grant all equal rights to participate in legislation, and that he is forced to acknowledge the need for representation. This need he tries to reconcile with his main principle by claiming that the representative should always be regarded as one who acts on behalf of the person whom he represents so that he takes the decisions which the person whom he represents would take were he in his place. In criticising Price's treatment of the application of this principle we need to ask whether an unalienated moral responsibility is incompatible with a delegated function. Cannot we remain fully responsible for seeing that the work of government is well done without doing it ourselves? Does the discharge of our duty to make as much contribution to good government as we can, require

that we enjoy equal political rights ? Although some modification needs to be made to Price's conception of the representative, we suggest that the emphasis which he places upon this moral responsibility for government is of abiding importance. In his mind it is related to the dignity of the personality. It is by the elevation of all to the same political status and by the identification of all in the common responsibility for government that the degrading subjection of one will to another is eliminated. This impulse to equality derives ^{not} alone from a hatred of those theories which presuppose a hierarchy of political responsibilities and paternalism, but also, more positively, from a conviction that the dignity of man requires the fellowship and community of shared moral responsibilities for the welfare of society.

To this Price adds the more dubious conviction that by enjoying political rights each citizen will be made more conscious of his moral responsibilities and will be inspired to conduct himself with a greater sense of duty.

"Every member of a free state, having his property secure, and knowing himself his own governor, possesses a consciousness of dignity in himself, and feels incitements to emulation and improvement, to which the miserable slaves of arbitrary power must be utter strangers." 1.

1. 'Observations', p. 17.
 Cf. 'Evidence for a future Period of Improvement, etc.' (1787).
 "Free governments exalt the human character. They give a feeling of dignity and consequence to the governed." p. 29.

Price does not restrict the application of the concept of self-government to the individual; he also applies it to the community, and in his discussion of the American quarrel it is with this application that he is most concerned,

"Civil Liberty is the power of a Civil Society or State to govern itself by its own discretion; or by the laws of its own making, without being subject to any foreign discretion, or to the impositions of any extraneous will or power." 1.

Communal self-government excludes domination by another alien power but it does not exclude participation in a supra-communal or supra-national legislation as long as the subordinate community is represented in the legislature of the higher authority. Just as the individual's self-government is compatible with the acceptance of a legislative authority in which he participates, so is communal or national self-government compatible with international government where the community is represented in the formulation of the laws. What is excluded by self-government is the subjection of a person or a community to a rule in the formulation of which they do not participate. The rights which individuals have to govern themselves cannot be alienated. There is no way in which a community can be legitimately said to renounce its freedom, and no way in which one community can gain sovereign rights over another, either by conquest, agreement, or 'obligations conferred'.^{2.} As to rights by conquest

1. 'Observations', p. 3.

2. Ibid., p. 24.

the most that one community can gain over another is that in the event of a just war the victor has a right to be indemnified for the injury which occasioned the war and to be given 'a reasonable security against future injury'.^{1.} More than this even the victor in a just cause cannot claim. He has no right to rule the vanquished in any way other than required by the considerations mentioned above, nor has he any right to interfere with their procedures of government. As to rights by agreement or compact, no community has the right to surrender its own liberty, either in religious or in political matters. Self-government is a birthright, the disposal of which can never become the consideration of a contract. Even were it possible for a person to surrender his own political rights, in doing so he could not bind his children or any future generation. Even if it could be shown that at some time the American colonists had made a voluntary surrender of their political rights to the Imperial Administration and even if it could be shown that such a surrender was valid for and binding upon those who made it, it would not follow that it would be binding upon those subsequent generations who were not a party to the original compact. On the contrary, each generation has a right and a duty to revert to (or to establish) the universal principles of political right no matter to what extent their enjoyment of those rights

1. 'Observations', p. 25.

has been corrupted by preceding generations. Prescription cannot presume against right.

Similarly, and here Price has in mind arguments that were commonly adduced to support the Administration's side, no demands of gratitude should weigh the balance against the rights of self-government,

"A state that has been obliged is not, therefore, bound to be enslaved." 1.

Consideration of the favours received by the colonists or of the services performed by the home country does not require that the colonists should submit by way of gratitude to the rule of the home country. The obligation to govern oneself cannot be overborne by other moral principles and this is so, not because in fact it is not likely to be overborne in any circumstances, but because it is in principle impossible that it could be overborne. Price admits that some moral principles conflict, and, according to circumstances, it is sometimes our duty to prefer the one to the other. But it is not the case that the principle that we should govern ourselves is sometimes subordinated to some other moral principle. It follows that our obligation to govern ourselves is a moral principle of a different order from the moral principle that gratitude is due to benefactors. For Price (and here we see a further effect of his attempt to assimilate the

1. 'Observations', p. 26.

nature of political self-government to that of moral self-government) the principle that we should always govern ourselves is more like saying that we should always act in accordance with conscience, to which there are no exceptions, than saying that we should always, for example, be grateful to benefactors, to which there may be some exceptions.

Further, no justification of the Administration can arise from the often quoted analogy that the Administration has rights over the colonies as a parent has rights over children. Even were the analogy apposite - and Price denies that it is - it would have to be admitted that there comes a time when children become independent agents. Lastly, the claims of any community to govern itself cannot be invalidated on the ground that dependence is necessary to secure the unity of the Empire, as the unity of the whole is not incompatible with the enjoyment of self-government in the composite parts, else the argument from the unity of the Empire could be made to justify any form of tyranny. The ways in which Price understood this to be possible we shall now examine. From what we have said of his general theory hitherto, it might be thought that the claims of freedom and self-government would be satisfied (a) where the laws in force are in accordance with the law of reason (the objective moral order) and (b) where each individual (person or community) participates in (or, in Price's weaker formulation, was represented in) the processes

by which law is defined and imposed. It might, therefore, be thought that the colonists' demand for self-government would be met if they were governed by laws formulated in accordance with the moral order, and if they were represented in the legislative procedures by which such laws were formulated. But as we have seen, the claims of the colonists were not contained in these terms, for they claimed not simply and only that they should be represented in all legislation that touched their interest, but also that there were some spheres in which they and they alone should govern themselves.

And here the argument takes a strange twist which involves introducing a new element into the notion of self-government. In addition to claiming that a self-governing community is represented in all the legislative procedures which concern it, Price also claims that, in some respects at least, a self-governing community is itself alone responsible for the legislation which affects its interests. If this demand for legislative independence were extended to all spheres and matters of government, a community's membership in a supra-national or supra-communal legislative authority would be precluded. It would in effect be a demand for complete local or communal sovereignty. Price does not, however, wish to be taken thus far. He wishes to say both that in certain respects a community should be subject to the jurisdiction of a supra-communal authority,

and that in certain respects it should have complete legislative independence. He is then faced with the problem of demarcating these spheres. To anticipate a little, he adumbrates a solution with the following formula:- each colony has a right to exclusive self-government in respect to its own (internal) affairs, but is subject to the Imperial Administration in those interests which it shares in common with other colonies. Thus the claims of self-government, in this expanded sense, are met where each community is adequately represented in the supra-national legislature which will govern all matters of common interest, and where it reserves to itself the right to deal with its own (internal, private) affairs.

"Let every state, with respect to all its internal concerns, be continued independent of all the rest; and let a general confederacy be formed by the appointment of a Senate consisting of Representatives from all the different states. Let this Senate possess the power of managing all the common concerns of the united states, and of judging and deciding between them, as a common Arbiter or Umpire, in all disputes; having, at the same time, under its direction, the common force of the states to support its decisions. --- In these circumstances, each separate state would be secure against the interference of foreign power in its private concerns, and, therefore, would possess Liberty; and at the same time it would be secure against all oppression and insult from every neighbouring state. --- Thus might the scattered force and abilities of a whole continent be gathered into one point; all litigations settled as they rose; universal peace preserved; and nation prevented from any more lifting up sword against nation." 1.

In manipulating this formula care would have to be taken to distinguish the interpretation of the claim 'that each community should have complete jurisdiction over its own affairs' as a tautology, namely

1. 'Observations', pp. 8, 9.

'that each community should have complete jurisdiction over those affairs over which it should have complete jurisdiction' from the interpretation of the claim as an empirical judgment embodying a criterion for determining those respects in which a community should be self-governing. In demonstrating the need for care in this connection it will be noted that the plausibility of certain interpretations of the claim as an empirical judgment would be enhanced by the ambiguity of the phrase 'a community's own affairs' which can be taken to mean, as the above distinction shows, either 'those affairs which should be regulated by the community' or 'those affairs which are of interest to and only of interest to the particular community'. 1.

Interpreted as a tautology it would seem that the claim that 'each community should govern its own affairs' is little more than a restatement of the problem, and that by itself it is of little service. We would still stand in need of criteria which would help us to decide what affairs should be regarded as the province of communal self-government. But this seemingly innocuous tautology presents problems of its own, because the acceptance of tautology in this particular context and the use of it in the discussion of the problem show that the tautology and the language in which it is expressed are taken to be significant. We may well ask whether this is so and whether it

1. This ambiguity also infects other words which might be used as alternatives to the phrase 'a community's own affairs', for example, in the phrases 'a community's private affairs' and 'that which concerns the community'.

is misleading to use this language and to 'think up the problem' in this way. Not only do we have to examine the criteria which Price adduces for using the formula in its empirical interpretation, but we also have to see whether the formula interpreted as a tautology is or could be a significant one. Of course, we cannot show that the tautology is false, but we may be able to show that it is a misleading one to apply.

It will be seen that the tautology is used within the context of demarcating two 'spheres' of complete legislative responsibility. It is assumed that a community can simultaneously be both subordinate to another government in some respects and entirely independent in other respects; it is also assumed that there are two distinct and independent spheres, and that the governmental decisions taken in the one do not affect the governmental decisions taken in the other. It is important to be able to distinguish two such independent spheres, otherwise the tautology will be useless. If we could say that all the governmental decisions taken in one sphere, say the sphere labelled 'private', could be taken independently of the decisions taken in another sphere, say the sphere labelled 'public', (and as we shall see below the spatial analogy is persuasive) then it would be possible to say that the communal government should take all the decisions affecting the private sphere, and that the supra-communal government should take all the decisions affecting the public sphere.

But if we could not do this the tautology would be useless. If we could not distinguish two completely independent sets of interests and decisions then it would be impossible to say both that the communal government should be completely responsible for one sphere of interest and that the supra-communal^A authority should be completely responsible for the other. Therefore, the general condition which must be satisfied for the application of the tautology to be useful is as follows:-

The respects in which a community is governed must be divisible in such a manner that the decisions taken with regard to at least some of them do not affect the decisions taken with regard to some others. Similar considerations apply for the conjoint assertion of the following tautologies :

(a) Each community should govern itself in those respects in which it should govern itself,

(b) Each community should be governed by an Imperial (or Federal) authority in those respects in which it should be governed by an Imperial (Federal) authority.

Now if there are some respects (and only some respects) in which community A should govern itself, then the conjoint assertion of both these tautologies will imply :

(α) A should be governed by A in x Respects,

(β) A should be governed by B in y respects.

Let us suppose further that :

A can only be said to govern A in x respects if A takes all the legislative decisions that are taken by either A or B concerning x respects, and that B can only be said to govern A in y respects if it takes all the legislative decisions that are taken concerning y respects by either A or B.

Given this supposition and the conjoint assertion of both tautologies, then (α) and (β) will only be possible where the decisions which A takes concerning x are not also decisions affecting y and where the decisions which B takes concerning y are not also decisions affecting x. Thus, in order both that A may govern itself in some respects and yet be under the jurisdiction of B in other respects, then the affairs over which A has jurisdiction must be independent of the affairs over which B has jurisdiction.

Now if it was impossible to classify the respects in which a community should be governed into two distinct and independent sets of decisions, then it would be impossible to say both that A should govern itself in x respects and that A should be governed by B in y respects. In such a contingency we should either

(1) have to sacrifice either (α) or (β). We should have to relinquish either the claim that A should govern itself in x respects or the claim that B should govern A in y respects, or

(2) have to construe the notion or the concept of "governing" in a way different from that which has been supposed above.

Of course it cannot be determined 'a priori' whether or not all the respects in which a community is governed can be divided into two classes in the manner required, but it can be said that if they cannot be so divided then the employment of tautologies such as those listed above and the employment of such dichotomies which tend to imply that there are two separate and distinct sets of interests would be misleading. Price does employ such dichotomies, for example, private/public, own/common, internal/external, and we may easily be misled by his choice of language and especially by the emphasis which he places upon it, to suppose that there are in fact distinct and separate interests which correspond to the use which he makes of these dichotomies in the context of the problem.

In this connection it is important to note the misleading nature of the spatial analogies. In talking of decisions and interests it is notoriously easy to speak of fields and spheres of interests; Price himself speaks of 'internal' and 'external' matters. Quite apart from the problem of deciding whether internal and external would be good criteria for determining the two different sets of interests, we have to note that the use of the dichotomy internal/external itself suggests that there are two such independent sets of interests.

Considered spatially, that which is internal is distinct from, in the sense that that which is internal is independent of, the external, the only qualification being that the external is contiguous with the internal. Now if we assimilate the internal/external dichotomy to "interests" and "decisions" we thereby imply that there are sets of interests and decisions which are independent in the same kind of way. It is in this way that the spatial analogy for the language of interests and decisions can be misleading.

Now if what we have said above is valid for the usefulness of the conjoint assertion of both tautologies, it will also hold good for the usefulness of the conjoint assertion of those propositions treated as empirical propositions. That is, the condition which permits the simultaneous enjoyment of complete self-government in some respects and complete supra-communal government in other respects must obtain with regard to the criteria which are suggested for determining the two sets of responsibilities. Price suggests that the community should be completely responsible for its internal, private affairs and that the supra-community should be responsible for the community's external, public affairs. The federal or Imperial authority should be responsible for those affairs which are of common interest to the various communities. For this suggestion to work it will have to be the case that the application of the private/common dichotomy gives rise to two separate and

independent sets of interests and decisions. The complete responsibility for private affairs will have to be distinct from the complete responsibility for common affairs. It will have to be the case that governmental decisions concerning private interests will not have to affect the governmental decisions taken concerning common interests.

Now the private/public (private/common) dichotomy is confusing because it might be interpreted in two ways:-

(a) "This is a private matter" may be taken to mean "this matter is to be managed by one person only (or by one group of people only)".

(b) "This is a private matter" may be taken to mean "this is of interest to one person (or one group of people) alone".

If we take (a) we are returning to the form of the tautology considered above, and the condition which needs to be satisfied is that there are some affairs which can be wholly managed by some, at the same time as there are some affairs which can be wholly managed by others.

If we take (b) the condition that will need to be satisfied is that there are some affairs which are of interest to one person (or group of people) alone, and which can be managed and should be managed by that person (or group of people) alone.

The usefulness of this dichotomy will be slight if it is the case that either few or no affairs are of interest to one person or to one community alone. If, for example, the colonies had been allowed to have complete responsibility for those affairs in which they and they alone were interested, and if the Imperial Administration had been allowed complete responsibility in all those affairs which touched the interests of more than one colony, and if there were only a few affairs which were of interest to one colony alone, then the range in which the colonists could have exercised complete responsibility would have been very small.

The distinction of private and public, of private and common, is seemingly fruitful in this context because of the ways in which it can be construed. Above, we have construed "common" as "being of interest to more than one"; "private" is then construed as "being of interest to one alone". If, however, we construe "common" as "being of interest to all alike" then it would seem as though "private" could be construed as "all those cases in which all do not have the same interest". On such a construction it would be plausible to hold that there were many private interests. Similarly, if "common" were construed as "being of interest to all" (as distinct from "being of interest to all alike") then "private" could be construed as "all those cases in which everyone's interests were not concerned" and again it would seem that there were many

interests which were private. It does not seem, however, that we normally use "private" in either of these two latter senses. But whatever construction we did give to the private/public or private/common dichotomy the same fateful consideration would apply, namely, we should have to be able to distinguish two completely independent sets of interests and two completely independent sets of decisions. But this may be difficult to do. If there is a great measure of interdependence of interests and decisions throughout a society, if most governmental decisions have far-reaching effects, it will prove difficult to isolate two spheres of interests in a way which will accommodate two independent authorities each completely responsible for, and each taking all the governmental decisions that affect, their respective spheres. If in the context of the American problem we assumed a great interdependence of interests throughout the constituent colonies of the Empire, we would preclude the possibility of creating colonial legislatures with complete responsibility for local affairs within the orbit of an Imperial administration completely responsible for those affairs of common interest to the Empire as a whole.

It is important to distinguish this conclusion from other conclusions which might be confused with it. It would still be possible, assuming a great degree of interdependence of interests, for the Administration to be completely responsible in some respects,

but then the margin in which the colony would be completely responsible would be slight. Secondly, it would still be possible for the colony to be completely responsible in some respects but then the margin in which the Imperial Administration would enjoy complete responsibility would be slight. It is the incompatibility of both measures of full responsibility which leads us to see why, if we assume the interdependence of interests, the interpretation of the claims of local self-government and Imperial Administration in terms of full responsibility leads to demands for complete local legislative independence and complete Imperial sovereignty.

Thirdly, it would still be possible for both the colony and the Imperial Administration to govern, as long as it was not considered essential to the notion of government that the power that governs must have complete responsibility for those affairs in which it is said to govern, and that it must take all the relevant decisions concerning those affairs. In such circumstances, say regarding X series of interests, if it were the case that the Imperial authority made some of the decisions, and the local authority made the others, then it would be possible to regard both authorities as having some responsibility for X without having complete responsibility for X; and if having some responsibility for X could be said to constitute government in respect of X then both authorities could be said to be governing authorities simultaneously. And on such a basis it

would be possible to relate the kinds of decisions which the Imperial Administration and the colony should take to the criteria desired for 'common' and 'private' respectively.

The conclusion which we wish to emphasise is that the interdependence of interests and decisions in society excludes the notion that two legislative bodies simultaneously can be completely responsible for different but not independent interests. This conclusion, however, excludes the element in the notion of self-government which Price is concerned to emphasise, for he wishes to assert that within the orbit of Imperial responsibility there are some respects in which the colonies and the colonies alone should take all the legislative decisions affecting their interests. He particularly wishes to assert that each community should have complete legislative responsibility for its own affairs. The fruitful application of this notion to political decisions, however, can only be made where it is possible to isolate one set of decisions from another. Where there is a great degree of interdependence of interests this proves impracticable. In such circumstances if we wish to assert the possibility of self-government then we have to relinquish the notion of complete self-determination and complete responsibility. Instead of saying that the individual or the

1. The notion of a 'private' sphere excluding and independent from the 'public' sphere occurs frequently in liberal thought, and is applied to individuals as well as to communities. Cf. e.g. Rousseau and Mill. The metaphysical concept which informs this notion is that of a "self-dependent" individual.

community should take all the relevant legislative decisions in certain respects, we have to say that they should take some of those decisions. If self-government is to be compatible with membership in a supra-communal authority, then it will have to be the case not that the community takes all the relevant decisions in some respects and that the supra-communal authority takes all the decisions in other respects, but that the individual (or the community) takes some decisions in some respects and that the supra-communal authority also takes some decisions in some respects.

Bearing this in mind, we can now see more clearly the nature of the logical confusion which bedevilled the American quarrel. Both the colonists and the Imperial Administration asserted that in some respects they should have complete responsibility and complete authority. Because of the interdependence of interests and decisions the colonists' demand for complete responsibility in certain respects led, logically, to the exclusion of the Imperial Administration in all respects; similarly, the Imperial Administration's demand for complete responsibility in some respects led to a demand for unfettered rights of intervention which excluded the possibility of the colonists being completely responsible in some respects.

Conflict could only be avoided if it could be assumed that the Imperial Administration's responsibility could be contained

within a set of decisions, and that that set of decisions would be independent of the colonists' set of decisions; given these two fictions, for example, (a) that the Imperial Administration's complete responsibility for the common good of the Empire could be contained within supervisory legislation and commercial regulation, and that the colonists' complete responsibility for their own affairs could be contained within first-instance legislation and revenue taxation (excluding commercial regulative taxation) and (b) that these two sets of decisions could be operated independently, then both measures of complete responsibility could be satisfied and harmony maintained. But once these fictions became unacceptable, once the demand for complete responsibility could not be contained within the sets of decisions by which it had been defined, then harmony became impossible. For example, as soon as the Imperial Administration maintained that its responsibility for the common good could not be discharged merely by commercial regulation or by supervisory legislation, and as soon as the colonists maintained that their responsibility for their own affairs was incompatible with the Imperial Administration's levying port duties, then the two sets of complete responsibility could no longer be maintained. The new proposals advanced by Chatham and Burke were in effect new devices or new fictions for adjusting the two demands for complete responsibility. Chatham's curious dissociation of taxation from the "governing power"

enabled him to say both that the colonists should be responsible for their own taxation and that the Imperial Administration should be completely responsible for government (legislation). The dichotomy of internal/external taxation was elaborated to provide the fiction that the colonists were completely responsible for their own affairs if they were completely responsible for their own revenue taxation.

Burke recognised the perils of the abstract argument and wished to avoid discussing the quarrel explicitly in terms of full sovereignty and complete responsibility. He believed that the wisest course would have been to have returned to the fictions for complete responsibility which once proved acceptable; but, as we have pointed out earlier, this would have been inadequate as the change in circumstances required some reshuffling of responsibilities. Where Burke offers a solution he suggests that the colonists should be allocated first-instance legislative responsibility and that the Imperial Administration should be confined to co-ordinating functions. In effect this would be to claim that the colonists were self-governing if their legislative powers were only modified to integrate their provisions with those of other colonies. The formulation of these solutions seems to have one major logical defect. It would have been healthier to have formulated the spheres of the two or several authorities without including within the notions of 'government' and 'self-government' the element of 'complete responsibility'.

Assuming the interdependence of interests and decisions, the attempt to adjust the claims of the subordinate legislatures to those of the main legislature should not have been made in terms of adjusting two sets of complete responsibilities, nor should the fictions which suggested that this could have been done have been employed.

If it had been admitted frankly that the need to adjust the two legislatures within the Imperial orbit required the ascription to both of 'partial responsibilities', then both sides would have had a sounder logical basis for the division of functions. There would then have been no need for those fictions which were used in the attempt to apply the notion of complete responsibility. Such a process would, however, have required a reconstruction of the concepts of government and responsibility. Instead of asking 'In what respects should the colony be completely responsible?' one would have to have asked 'What kinds of decisions should be left to the colonists?' and, more particularly, 'How many of the decisions concerning its own affairs and its own interests does a colony (or an individual) have to take for it to be regarded as governing itself and as having (some measure of) responsibility for its own affairs?'

Our main criticism of Price's contribution to the American debate is that he attempts to solve the problem of adjusting

the relations between the colonies and the Administration in terms of a construction of the nature of government and responsibility which is logically inappropriate, because he insists upon construing responsibility in terms of complete and exclusive responsibility. The individual, he claims, whether a person or a community, alone should determine those matters which concern it alone. To be free is to have complete control over one's own affairs.

This emphasis upon complete and exclusive self-determination, which in the context of the American problem is applied to the range of political decisions, is made by Price in other forms, and upon examination can be seen to be the dominating feature of his treatment of freedom and self-government. Earlier in this chapter we noted that a person could only be said to govern himself,

(a) where he and he alone imposed the law upon his own conduct. Applied to the psychology of moral action, a man only enjoys freedom of will, a condition of the capacity for virtuous action, where he has complete dominion over his own resolutions. Applied politically, a man is only free where he can be reasonably conceived to be participating in the process of legislation which affects his conduct, where he is effectually ruling himself,

and (b) where the law which is imposed upon his conduct is identical with his own will. Applied to the epistemology of

moral judgment, a man is only free where the content of the laws which he is required to obey is identical with the content of his own (rational) judgment. Again the self must completely and exclusively determine the self.

To these Price also adds the further criterion that a man must exclusively determine himself in those affairs which are peculiar (private) to himself. It can thus be seen that this latter claim, with which we have been concerned in the analysis of the American problem, is only part of the general application of the notion of self-determination, which Price applies not only to moral psychology, but also to the epistemology of morals, of religion and of politics. The metaphysical ground of this notion is the concept of a distinct, self-dependent and logically prior individual.

Freedom and self-government is the activity of such an individual.

CHAPTER V.

WHIGS AND RADICALS

The Sermon "A Discourse on the Love of Our Country", 1. which provoked the fury of Burke's "Reflections on the Revolution in France", and to which Price owes what fame he has in the history of political controversy, is a brief but eloquent expression of English Radicalism at the outbreak of the French Revolution. An analysis of its content and its debt to Locke and Rousseau will enable us to see what practical conclusions Price drew from his contention that we are morally obliged to govern ourselves, and to see what impact this foundation of political institutions in the moral responsibility of the individual had upon political theory in the Eighteenth Century.

The Sermon was preached from the pulpit of the Old Jewry Meeting House to the members of the Revolution Society on the

1. 'A Discourse on the Love of Our Country', Vol. X. Referred to below as 'The Discourse'. 'The Works of Richard Price' W. Morgan's Collection, includes the second edition, but does not include further "Additions" first published as additions to the third edition (1790).

afternoon of November 4th, 1789. The Society, which included in its membership the Dukes of Norfolk, Richmond, Leeds and Manchester, Dr. Kippis, W. Morgan, Thomas Hollis, Pickbourn, Henry Beaufoy and John Ingram, met to commemorate the Glorious Revolution. Their celebrations were not sombre affairs, the afternoon sermon being followed by a dinner at the London Tavern at which, in innumerable toasts, the commemorators took the opportunity to champion their heroes and castigate their opponents with much zest and enthusiasm. With the development of the Revolutionary situation in France the proceedings of the Society had begun to attract public attention, and it had been with some excitement that during the celebrations of 1788 the members had subscribed to the following declaratory principles:-

All civil and political authority derives from the people,

Abuse of power justifies resistance,

The rights of private judgment, liberty of conscience, trial by jury, freedom of press and election ought ever to be held sacred and inviolable. 1.

It was to an audience thus attuned and excited by an interpretation of the opening events of the French Revolution in terms of what they believed to be the principles of 1688 that

1. Proceedings of the Revolution Society, 14.

Price preached on the afternoon of November 4th, 1789. His text was taken from the Psalms (cxxii) "Our feet shall stand within thy gates, O Jerusalem", and his theme, the duties of a patriot. From the outset he is careful to distinguish the true from the false kind of patriotism. The community we should love is the community to which we belong, but we need to distinguish that just pride in our own from the ill directed spirit of rivalry and ambition which serves only to foster dissension and hatred. We are never required, morally, to pursue our own interests to the detriment of those of others, for there is nothing in true patriotism which conflicts with universal benevolence. Of great significance in the development of Eighteenth Century Liberalism is the attack upon the assumption that one nation's prosperity is bought at the expense of another, for this assumption had lent strength to the claim that government should direct the management of its country's resources in the inevitable economic war. The Physiocrats and Adam Smith had striven to show that this was not so, and postulated a natural harmony of interest as the basis of international welfare. Price likewise takes as his point of departure a harmony which embraces the welfare of each member community, but he gives it a characteristic interpretation of his own. The harmony to be sought is not a natural harmony, but a moral one. It is the consequence not of completely unrestricted activity inspired solely by self-interest, but of conduct

disciplined by the moral law.

Now although Price has a strong sense of community, a sense which has been sharpened by his readings in Montesquieu and Rousseau, he does not dwell at length on its nature, nor does he attempt any answer to the problems of its determination. As we have seen in his discussion of the American question, he takes it for granted that we all know to which communities we belong and that different communities can be neatly and easily distinguished from one another. He even takes it for granted that different communities can be distinguished geographically. In the "Discourse" he repeats the oversimplifications which bedevilled his earlier discussion and application of the concept of self-government, and consequently there is little in his work which suggests solutions to the delicate problems concerning the determination of communities and communal interests. But whatever shortcomings there may be in this respect, he is always clear and insistent that the appeal to patriotism should never be made, and the powerful emotions which that appeal can arouse should never be used, in a way which presupposes irreconcilable dissension between community and community, nation and nation. The moral order Θ and here he stresses what was to become a dominant feature of Gladstonian Liberalism - regulates international as well as interpersonal relationships.

Foremost, then, amongst the duties of the true patriot is

the inculcation of virtue. Man's freedom, and we have seen above how freedom is defined as a certain kind of activity, namely, that of moral and political self-government, lies in a life lived in accordance with the moral law and the deliverances of conscience. To attain this perfection a man must not only practise virtue according to his understanding, but do his utmost to enlighten that understanding. As we have seen in our discussion of the role of reason in morals, Price's assimilation of the Cartesian epistemology to moral and political thinking tends to obscure our obligation to refine our knowledge of moral good and evil, but when he deals with moral and political problems independently of this epistemological preoccupation his statements of the need to improve our moral knowledge are clear and unequivocal.

In addition to enlightening our own understanding it is also our duty to help others to a greater knowledge of their duties and obligations. More especially, it is our duty to educate others in their political responsibilities. The principles with which, he believes, every patriot should be conversant, and here he epitomises the considerations which dominated his political thinking throughout his career, are as follows:-

"Civil government (as I have before observed) is an institution of human prudence for guarding our persons, our property, and our good name, against invasion; and for securing to the members of a community that liberty to which all have an equal right, as far

"as they do not, by any overt act, use it to injure the liberty of others. Civil laws are regulations agreed upon by the community for gaining those ends; and civil magistrates are officers appointed by the community for executing these laws. Obedience, therefore, to the laws and to the magistrates, are necessary expressions of our regard to the community; and without this obedience the ends of government cannot be obtained, or a community avoid falling into a state of anarchy that will destroy those rights and subvert that liberty, which government is instituted to protect." 1.

We have a duty to uphold law and government because they are the indispensable means to the security of that way of life which we ought to establish and maintain. Although Price states that government is 'an institution of human prudence', he holds firmly that our obedience to government is not simply prudential in nature. We ought to obey government not simply because it is in our interest to do so, but because we have an obligation to promote those ends which good government secures quite apart from our obligation to promote our own self-interest. In his use of the term 'prudential' Price did not use it, as we tend to use it, in a way which implies a contrast of the prudential with the altruistic. As in Burke, the prudential signified that which the wise man would adopt, the question being left open as to whether such wisdom was entirely self-regarding. Butler had maintained that although there is a logical difference between the prudential and the obligatory, there is a factual coincidence between them; that which conduces to rational self-interest is obligatory, and that which is obligatory conduces to the promotion of rational self-interest. Price, however, denies this to be the case; he sees that

1. 'The Discourse', pp. 20, 21.

the claims of duty often run counter to the claims of rational self-interest, and that, therefore, we cannot determine our duties simply by considering our own interests in a rational manner.

Not only is the nature of an obligation different from that of a prudential action, but the instances of both are sometimes

incompatible.^{1.} Price does hold that we have an obligation to promote our own interest in a rational way, and that we should take our own interests into account when we determine what we should do, but he also insists that there are some occasions when we ought to suppress our own interest in favour of the equitable treatment of

others.^{2.} On occasion this view is obscured by a terminology which he takes from Locke, but in the main it is clear that he holds government to be based in a convention designed to promote the discharge of our moral responsibilities, and not in a convention designed simply to secure self-interest.

In addition to our obligation to uphold government and law, our political responsibilities include duties to see that the forms and institutions of government are adequate to their purpose. Not only do we have a duty to obey the law, but we also have a duty to see that the law is worthy of our obedience. We have a responsibility to government and for government. Correlative to these duties are the rights to supervise, to control and to participate in all the

1. 'Review', pp. 256 - 259.
2. (Review', pp. 148 - 51.

processes of government. Political rights devolve fully and equally upon each member of the community. Price thus places political responsibility and political power upon the whole community and subjects all the techniques and apparatus of government to its will. The people have the right, although its exercise should always be qualified by considerations of natural law and natural right, to fashion government according to their own conceptions,

"Civil governors are properly the servants of the public; and a King is no more than the first servant of the public, created by it, maintained by it, and responsible to it: and all the homage paid him, is due to him on no other account than his relation to the public. His sacredness is the sacredness of the community. His authority is the authority of the community; and the term MAJESTY, which it is usual to apply to him, is by no means his own majesty, but the MAJESTY OF THE PEOPLE." 1.

Britain, Price claims, is fortunate to enjoy a government which recognises this fundamental principle. This good fortune is due to the events of 1688. Then, King James who "wanted courage as well as prudence" fled and "left us to settle quietly for ourselves the constitution of government which is now our boast". In that hour,

"By a bloodless victory, the fetters which despotism had long been preparing for us were broken; the rights of the people were asserted, a tyrant expelled, and a Sovereign of our own choice appointed in his room. Security was given to our property, and our consciences were emancipated. The bounds of free enquiry were enlarged; the volume in which are the words of eternal life, was laid more open to our examination; and that aera of light and liberty was introduced among us, by which we have been made an example to other kingdoms, and become the instructors of the world." 2.

1. 'The Discourse', pp. 23, 24.
2. 'The Discourse', pp. 31, 32.

He assumes that the people were responsible for the Glorious Revolution - an assumption which Burke ridiculed - and that at that time they introduced modifications into the Constitution which explicitly acknowledged the people as the source and the seat of political authority. The Constitution was based on the principle that the people had the right of liberty of conscience in religious matters, the right to resist power when abused, the right to choose their own governors, to cashier them for misconduct, and to frame a government for themselves.¹ Although there had been some practices which obscured these principles, they were nevertheless to be understood as the foundation of the Constitution.

The phrase 'left us to settle quietly for ourselves' which Price uses to indicate the people's assumption of their political responsibility is disarmingly and deceptively simple; not only does it betoken some reluctance to think concretely as to how the people can be said to act collectively in this way, but in its simplicity it obscures what remained the crucial political problem for the Whigs of the Eighteenth Century, namely, the precise definition of the political responsibilities of the people. By negation it affirmed what all Whigs were agreed upon, that the era of the absolute and unqualified authority of the monarch was over; in general terms it indicated what the Whigs were also agreed upon, that in some sense the people are the ultimate source of political authority, but it

1. 'The Discourse', p. 34.

left undetermined the vital question which was to trouble theorists for the rest of the century as to how ultimate authority was vested in the people and how they were best conceived to exercise it.

Setting aside the theory of Divine Right and the contention that an unconditional and unquestioning allegiance was owed to the Sovereign, all Whigs maintained that if the monarch failed to satisfy certain requirements he forfeited his claim to obedience. In the more cautious of the Whig theorists this conditional nature of allegiance was only asserted as a provision which made the claim to absolute power indefensible. The right of the people to withhold allegiance - and this right would only arise in unusual circumstances - was only asserted to justify rebellion in certain dire contingencies. By way of counterpoise it was assumed that, whereas if certain conditions were violated then there would be a right to rebel, if those conditions were satisfied there was a duty of allegiance. Bishop Hoadly, for example, stressed that where government was an instrument to good works, then both 'for wrath and for conscience's sake' there was a duty to obey.¹ The managers of the impeachment of Dr. Sachevell in their justification of the Revolution took great care to restrict the right which nations

1. Hoadly, Benjamin, 'The Measures of Submission to the Civil Magistrate Considered' (1706) - A Sermon preached on the text "Let every Soul be Subject to the Higher Powers" (Romans, xiii, i) a favourite text for the theorists of Divine Right.
 "It is a good argument, These Persons are the Ministers of God, for the Good of Humane Society, therefore they must be obeyed. But it will not follow from hence, that Obedience is due to them, if they destroy, and ruine the Happiness of Humane Society."

have to resist their sovereign to those instances in which the sovereign broke the original contract between King and people by trying to subvert the laws and the constitution determined by King,¹ Lords and Commons.

The troublesome questions naturally arose - and this chapter is an attempt to show how Price answered them - as to what are the standards by which the performance of government should be judged, and as to who is to judge when they have been infringed. In general it was assumed for the purposes of theory that there is common agreement as to the ends which government should pursue and as to the limits within which the monarch should confine himself. The criteria for good works are to be found in the moral consciousness of the people; they are either what tradition asserts them to be, or they may be discerned by the light of reason. Nowadays such abstractions as the 'moral consciousness of the people' are likely to cause irritation, but it is important to remember that the political theory of the seventeenth and eighteenth centuries (as well as that of other periods) largely relied upon the notion of a general moral sense of the community. Whether conceived in terms of the common apprehension of an objective moral law or in terms of a general moral purpose, it dominated Rousseau and Price as it had dominated Hooker and Locke.

This general sense of the community is the general moral

1. Lecky, 'History of England in the Eighteenth Century', Vol. 1, pp. 54, 55.

sense. That the sanctions for government are moral sanctions and that the ends which government should pursue have the force of moral obligations, seem to be generalisations which do not appear to be true of many theorists. But they have greater validity than might at first seem to be the case, for although the traditional moral and theistic foundations of social and political obligations were overshadowed by the advent of a hedonistic and egoistic psychology, they were never completely obscured. Of Aquinas and the political theory which stems from him through Hooker, the generalisations are certainly appropriate - our obligations to society are derived from and grounded in our obligations to God. Of Locke they are also true, though it does not always appear to be evident. Though he purports to ground the genesis of political obligation in a contract devised to secure the self-interest of the individual,¹ much of what he has to say concerning the institution of society to secure natural rights and to ensure the moral law, implies that the people have a moral obligation to maintain society. Even Hobbes, rigorous exponent of egoism that he is, cannot completely eliminate the absolute moral obligation binding upon each rational agent to institute and to uphold society, for the claim that every rational being ought by the Law of Nature to take all steps to promote his own self-preservation and join with his fellows to institute society,

1. 'Second Treatise on Civil Government', Sect. 131, where it is maintained that men combine "only with an intention in every one the better to preserve himself, his liberty, and property."

introduces a normative element which, strictly considered, is incompatible with his hedonistic and egoistic psychology. For Hobbes holds not just that given the desire to preserve life and seek happiness there is an obligation upon each rational agent to do all that he can to preserve his life and attain happiness, but that there is an unconditional obligation to do these things. If the former were true then a rational agent would only have the obligation to join with his fellows in the creation of civil society if he desired to preserve his life and attain happiness; if he did not so desire then he would have no obligation to do all that a rational agent would do to satisfy those desires, and, 'a fortiori', he would have no obligation to participate in the institution of society. But if the latter is true, and we suggest that Hobbes maintains that it is true, then each rational person has an obligation to preserve his life and attain his happiness whether or not he desires to, and, 'a fortiori', he has an absolute obligation to do all that a rational man would do to achieve those ends. Stated otherwise, - since it may be held that all rational agents will in fact desire to preserve their lives and attain happiness, - the obligation to preserve life and to attain happiness does not derive from the fact that rational agents desire to preserve their lives and attain happiness, but from the moral 'fact' that all men ought, absolutely and unconditionally, to preserve their lives and attain happiness. Similarly with Rousseau -

although Carritt favours an interpretation of the general will using Rousseau's egoistic psychology as its starting point^{1.} - there is much to suggest a closer affinity of the concept of the general will to the law of nature as understood by Hooker and Locke than to generalised action from self-interest, not only because allegiance to the general will has a normative import, but also because the ground or objective content of the general will, namely the good of the community, of its own intrinsic merit commands moral respect, and, as such, is something more than a projection and an integration of various self-interests.

In discussing the foundations of government Price sometimes uses the confusing terminology of Locke, which suggests that man in joining society is motivated only by consideration of his own self-interest. But, as we suggested above in connection with the meaning of 'prudential', the form of words is misleading. That he holds that there is an absolute obligation to institute society and maintain the forms of government, can perhaps be most clearly seen in his discussion of Divine Right.^{2.} Although he opposes those who maintain that monarchs derive their authority immediately and directly from the Deity, he admits that the institution of government is divine in two senses; firstly, it is divine in the sense that any expedient for gaining protection against injury is divine "for we owe all our powers to God, who is giver of all our powers and the cause of all our causes";

1. E.F. Carritt, 'Morals and Politics', pp 56 et seq.

2. 'Introduction, 1778', p. iv et seq.

and secondly, it is divine in the sense that submission to some form of government is necessary to achieve the purposes which God has for man. He follows Hoadly, who in turn follows Aquinas, in distinguishing the divine sanction for the principle of government from the alleged divine sanction for a particular form of government. While there is a divine sanction for the institution of government, the 'particular forms of government were of humane determination'. 1. For confirmation he appeals to Burke (although he wryly professes to be uncertain whether or not Burke holds the theory of Divine Right) who likewise follows Aquinas in holding that the essence (principium) of power needs to be distinguished from its mode (modus) and enjoyment (exercitium), the essence proceeding from the Godhead, but the mode being determined and the enjoyment being conferred by the people.^{2.}

Now, although theorists may be agreed in holding that the moral consciousness of the community is the ultimate moral and political authority, it does not follow that they are also agreed either as to the best method of eliciting that general consciousness or as to who is the best judge of what that consciousness requires. That the general sense of the community should be sovereign does not entail that the community as a whole (the collection of all the members of the community, or the collection of all the rational agents of the community) should be judge

1. B. Hoadly, op. cit.

2. 'Thoughts on the Cause of the Present Discontents', Works, Vol. I, p. 348.

of what that sense requires. While holding that the general sense should be paramount it is also possible to hold that it does not play equally into the reflective judgment of each member of the community, but only fully into the minds of those who have the imaginative insight to discern it. It is therefore possible for the notion of a general will (or of a common consciousness either of the moral law, or of the moral traditions of the community) to be harnessed to an aristocratic conception of the distribution of political rights. Burke, as we shall see below, in so far as he would accept the notion of a general will would interpret it along these lines, as Green and Bosanquet were later to do. Even Rousseau, in the 'Political Economy', is careful to insist that the general will is not something which is discovered in popular opinion. Furthermore, even if it is held both that the general sense of the community should be sovereign, and that the best way of eliciting it is by collective decisions or majority decisions, it may not also be held that all political decisions should be taken in this way. For it is possible to combine the views that each member of the community is as good a judge as his neighbour of the general moral principles upon which government should be based, and that in certain matters the judgment of the many is ultimately superior to that of one person (as Aristotle suggests),^{1.} with the view that there are some political decisions, particularly those involving the application of general principles to particular instances, which require an intelligence and an experience which is not commonly shared. On such grounds it might

1. Politics, 1282 a 14.

be thought preferable to combine a communal responsibility for the general development of government with a particular and delegated responsibility for those decisions which require qualities of mind and character which are not universally shared.

But given that the moral consciousness of the community should be the ultimate moral and political authority, it is tempting to assume that the people as a whole are the best judges of what the general sense requires, and it is tempting to assume that they should be invested with full political responsibility. And here the use of the term 'the people' can be puzzling and misleading, especially if no precise account is given of the way in which the people are conceived to exercise their responsibility. As Burke complained, to talk of the people without specifying how the people are to act is absurd. Yet many of the whig and radical theorists, by their abstract and sometimes rhetorical reference to the people, seem to suggest practical recommendations which they are far from endorsing when they think concretely of how political responsibilities are to be discharged. There is a further source of ambiguity in the fact that the use of the concept of popular political responsibility in discussions of the general philosophical foundations of government differs from its use in discussions on the practice of government. Thinkers like Milton and Priestley, for example, use it to validate the claims of government, without wishing to be taken to be advocating

^ practical democracy

and a full and equal distribution of political rights. The assertion of popular authority and of popular responsibility, which is needed to reconcile the claims of government with the claims of individual conscience, is not held to imply the need for democratic institutions. The embarrassments of popular rule are avoided by assuming that the people collectively desire to delegate the exercise of their authority. Oligarchy is made respectable by assuming that each individual gives it his sanction. The same assumption enables the Contract theorists to bridge the gap between the egalitarian foundation of government and the monarchical or oligarchical structure of political institutions. But interpretation of theorists is not always easy, because it is not always clear whether popular responsibility is being invoked as the justification of the foundations of government or as a practical recommendation for political practice.

In the more cautious of the Whig theorists, as for example in Hoadly and the managers of the impeachment of Dr. Sachevell, the responsibility of the people receives little emphasis; it is invoked only in periods of extreme crisis to justify the practical necessity of altering constitutional forms and the dispositions of political power. The Contract Theorists, however, went further; in addition to asserting that allegiance to a particular government is conditional, that there is a right to resist where those conditions are not fulfilled, that the criteria of such allegiance are to be found in the moral sense of the community, and that the people as a whole are the ultimate judges as to

whether there is a right to resist, they also asserted that the people have originative and constructive powers. The people are credited with the right to determine the form of their political institutions. The nature and extent of this creative power receives various interpretations. In Hobbes, for example, the people originate civil society, but once they have instituted a sovereign they leave him to devise the forms of government. In this way the originative powers of the people are conceived to extend only to the formation of political society; they are limited to self-constitution as a political unit. Mediaeval theorists conceived of a contract between the people and the sovereign, a conception distinct from the modern formulation of an inter-personal or inter-individual contract to institute society as a political unit with further powers to determine the forms of government. In the mediaeval form, both sides may bargain; although the people do not have a complete power to determine the forms of their government, they have a voice in the formative agreement.

In Locke, the people are conceived not only to originate society, but also to formulate the articles of the trust of government. The people, according to majority decisions, choose the institutions by which they are to be governed. They are limited by the Law of Nature in so far as they must abide by majority decisions, and in so far as they must create a legislature which will respect natural rights,

but within these limits they may choose what forms seem to them to be most appropriate. Locke even concedes the possibility, though he does not enlarge upon it, that the people may choose to retain legislative powers in their own hands.^{1.} But the account which he gives of the powers of the people when he discusses the origin of society is somewhat modified when he discusses the nature of the trust of government which is created at the institution of society. It might be thought that since the people have a right to formulate the articles of the trust, and thus to choose the forms of their institutions and their governors, they retain control over these institutions and the right to modify them when they so please. But this is not what Locke holds; once the trust of government has been created, then, as long as the trustees keep within the limits of the trust, the people cannot vary the terms of the trust or abrogate the powers of the trustees,

"For the essence and union of the society consisting in having one will, the legislative, when once established by the majority, has the declaring and, as it were, keeping of that will." 2.

In substance, by the creation of a trust of government the people have delegated their responsibility, and, unless their trust is betrayed or until it expires,^{3.} they can neither vary its provisions

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1. 'Second Treatise on Civil Government', Sects. 132 and 243.
 2. Ibid. Sect. 212. The conditions for the dissolution of society are given in Sect. 211, and those for the dissolution of government in Sects. 212 - 222.
 3. Ibid. Sect. 243.

nor remove the trustees,

"Thus the community may be said in this respect to be always the supreme power, but not as considered under any form of government, because this power of the people can never take place till the government be dissolved." 1.

Thus Locke's account of the genesis of political institutions promises to endow the creative powers of the people with greater significance than the development of his theory allows; the constructive powers of the people are invoked only in periods of crisis or when the time set for the duration of one form of the constitution is complete. In this respect he differs from Price as he differs from Milton, who held that the people could at their discretion revise the powers and functions of government. 2. Moreover, since Locke thinks that the articles of the trust which he outlines are, and will continue to be, acceptable to the moral consciousness of the community, the originative powers of the people, at least as far as the articles of the trust are concerned, are largely of academic interest; they are postulated more as a part of the philosophical foundations of government than as a part of the functioning of political institutions. The political responsibility of the people is thus introduced only to be indefinitely suspended. In intention, therefore, his theory stands closer to that of Hoadly than it does to that either of Price or of Rousseau, for the

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1. 'Second Treatise on Civil Government', Sect. 149.
 2. Milton, 'The Tenure of Kings and Magistrates', (1649) Prose Works, Bohn Edition, ii, 11. "The power of kings and magistrates is nothing else, but what is only derivative, transferred and committed to them in trust from the people to the common good of them all." The people could then choose or reject a king "retain him or depose him though not tyrant, merely by the liberty and right of free born men to be governed as seems to them best."

interpretation of popular political responsibility has as its central consideration the right to resist in certain contingencies - and Locke believed that if government followed his prescriptions such contingencies would not arise - than the claim that the people have a continuous responsibility to direct the exercise of government. But it is not surprising that later and more radical theorists in building upon his foundations should emphasise not the general tenour of his argument, but the account of the genesis of society and in doing so place greater significance upon the originative and constructive powers of the people.

In Rousseau the creative powers of the people receive their clearest and boldest formulation. The political sovereignty of the people is no longer a ghost which haunts the consciences of statesmen when they know they try the patience of the community, nor is it just a possibility that the shareholders may bring them to account. For Rousseau the people are ever present and omnipotent. They hear all, see all and decide everything that is of general interest. Not only do they sanction government, but they also fashion institutions, reframe constitutions (though with the guidance of the Divine Legislator) and discharge the functions of the legislature. As Bosanquet points out, 1. Rousseau combines Hobbes' theory of absolute political sovereignty with Locke's theory that the ultimate arbiter of political questions should be the moral consciousness of the community; the unqualified

1. B. Bosanquet, 'The Philosophical Theory of the State', p. 106 et seq.

exercise of sovereign power is located not in a particular will but in the general will of the community. As against Hobbes the exercise of sovereign powers can only be located in the people, as against Locke the ultimate authority of the people is not just a sanction for government but its impelling force. The admitted inspiration of the moral consciousness of the community is neither alienated nor diffused. Although we need to bear in mind that Hobbes conceded that the people might retain sovereign power in their own hands, and that Rousseau insisted that there are moral limits to the exercise of sovereign power, Bosanquet's interpretation of Rousseau is important because it emphasises the way in which he synthesised the concept of sovereignty and the concept of the ultimacy of the moral consciousness of the community, and the way in which popular sovereignty is inalienable.

Once the overriding supervisory powers of the people had been endowed with Hobbesian sovereignty and brought to the foreground of the political scene, once it became clear, as it became clear in Rousseau, that the people should govern and not merely sanction government, the concept of popular self-government received an import and a significance which it was never to lose. When Rousseau had clarified what was involved in the notion of popular political responsibility, it became almost impossible even within the Whig conceptual framework to invoke the people as the ultimate source

of authority without conceding the implications which he and other Radicals placed upon it.

When Price claims that "civil government is an expedient contrived by human prudence for gaining security against oppression" and that, consequently, "The power of civil governors is a delegation or trust from the people for accomplishing this end"^{1.} it might seem that he is merely repeating the traditional whig formulation in Lockean terms; he insists that the people have a right to resist the abuse of power, and that where government fails to achieve the standards demanded by the moral consciousness of the people, they have a right to change the form of government. But it becomes clear when we examine the implications of the claim that each one has the right to govern himself, that he is saying much more than this. Not only have the people a right to change the forms of government where power has been abused, but they also have that right where they think that change is desirable. The people have a right to frame a government for themselves. 2.

Locke, as we have seen, relied upon the notion of government as a permanent trust, and he tended to assume that, once the trust was created, there would be no need to reformulate its terms except in circumstances of extreme crisis. What gave his theory stability was

1. 'Introduction 1778', p. iii.
 2. 'The Discourse', p. 34.

the assumption that the principles and forms of government which he outlined would be universally and sempiternally acceptable. He read into the mind of the people what he believed were the principles upon which the British Constitution was based and sought to give them the eternal sanctions of reason. As Burke might have pointed out, he generalised the experience of ages and made it seem the intuitive insight of the speculative philosopher into the eternal truths of politics. Since these principles and the forms in which they were embodied were universally acceptable, the chief political problem was to see that the institutions they defined were maintained; the task was to conserve what both prescriptive wisdom and philosophical insight deemed to be essential. In Price, however, an 'a priori' political philosophy is pressed into the service of the radical cause. His purpose is not to conserve but to adapt. He sees that the Revolutionary Settlement as it crystallised in the Eighteenth Century manifested certain deficiencies, more particularly, the lack of a full practical acknowledgment of the principles of toleration and freedom of worship, the existence of an Established Church with privileges which redounded to the detriment of the Nonconformists, and an inadequate and maladjusted representation of the people in Parliament. He sees that there are ways in which the Constitution can be improved, and he seeks to establish the people's right to secure such reform. Consequently, he thinks of the creative and originative powers of the people not in terms of their capacity

to originate a Constitution which will remain unaltered, but in terms of their capacity to change that Constitution as the need shall arise.

Locke's 'a priori' constitutionalism is modified at one point when he concedes that some alterations may need to be made in the distribution of the franchise. "Changes, things of the world are in so constant a flux that nothing remains long in the same state" may make the representation of the people disproportionate, and create the need for reform. But, while government still stands, it would seem that there is no way in which the reform could be legitimately effected, for the people have no right to vary the articles of the trust which they have created, and the legislature has no right to vary the trust which has been given it. Characteristically, Locke decides that all necessary changes may be made by the executive; in doing so, as long as they reform customary practices in the light of 'right reason' and 'salus populi', they will not be violating the old constitution and setting up a new, but rather restoring 'the old and true one'. The whig fear of loosing the tides of anarchy by admitting that new departures might legitimately be taken can be seen in Locke's desire to interpret all reform as the rediscovery of the old,

"Whenever the people shall choose their representatives upon just and undeniably equal measures, suitable to the original frame of the government, it cannot be doubted to be the will and act of the society who ever permitted or proposed to them to do so." 1.

1. 'Second Treatise', Sect. 158.

Price, however, makes no bones about admitting the need for change, and it is significant testimony to the influence of Rousseau that he deals with the question of the reform of the representation - and this is the hub of his interest in reform - not in terms of the executive's power to modify, but in terms of the people's right to change where they think that such change is desirable. His re-interpretation of the whig foundations of government moves towards democracy in two ways; firstly, he wishes to introduce those reforms which would make government more sensitive to the popular or collective judgment - the reforms should be democratic in structure -; and secondly, he wishes to emphasise a popular responsibility for reform, - the people should not be conceived to have alienated this responsibility by the formation of a trust of government. We thus pass from an interpretation of popular political responsibility in terms of the people's passive acceptance of the forms of government to which they are deemed to have given their consent, to an interpretation in terms of the people's active responsibility to modify and to improve those forms.

As we noted earlier any claim that the people are sovereign needs to be clarified by an account of how they are conceived to exercise that sovereignty. As Burke said, merely to talk of the people without showing how the people are to act is absurd. Unfortunately, Price is not always sufficiently concrete in his discussion of the

ways in which the people are held to be politically responsible, and he vacillates between the whig concept of the sovereignty of the King-in-Parliament and the democratic concept of the sovereignty of the people. Before we enlarge on this it is necessary to note further respects in which the whig concept was modified by the influence of Montesquieu and Rousseau. Assuming the people's right to change their political institutions when they saw fit, Price details the form which he believed they should take. In doing so he deepens the conception of the political responsibility of the people, for he argues not only that the people should actively supervise the institutions of government, but also that the policies of government should be directed in accordance with their wishes. In the 'Observations' he writes,

"All civil government, as far as it can be denominated free, is the creature of the people. It originates with them. It is conducted under their direction; and has in view nothing but their happiness. All its different forms are no more than so many different modes in which they chuse to direct their affairs, and to secure the quiet enjoyment of their rights. In every free state everyman is his own Legislator. All taxes are free gifts for public services. All laws are particular provisions or regulations established by COMMON CONSENT for gaining protection and safety. And all our Magistrates are Trustees or Deputies for carrying these regulations into execution." 1.

Thus not only should the people (a) be responsible for the

1. 'Observations', pp. 6 and 7. "A government is, or ought to be, nothing but an institution for collecting and for carrying into execution the will of the people." Ibid., p. 87.

standards of government, and (b) have the power to alter the institutions of government, but (c) government, especially in its legislative function, should be directed by the collective judgment of the community as a whole, and (d) each member of the community should, as far as possible, have some part to play in the processes of government. The latter two considerations are not entailed by the former. It is possible, as Locke conceived it to be, that the people should delegate the actual business of legislating while maintaining general supervisory rights. Such a government is government by consent and compatible with the demands of freedom of conscience when each individual is happy to identify himself with the provisions that are made, and where acceptance of the principles upon which government is conducted is compatible with his moral sensibilities. But for both Rousseau and Price such a solution would not do justice to the demand that under government the people should be free. Freedom requires not just that by reflective judgment the people should be able to identify themselves with the general scheme of procedure, but also that government should depend upon their deliberative judgment. For both Rousseau and Price government by consent entails more than a rational acquiescence in general procedures; it also entails continuous popular direction of legislation. In the most extreme formulation of this conception, as it occurs in Rousseau, free government demands the continuous participation of all members of the community in the process of legislation. Although he would prefer political societies to be small

enough to allow each individual to participate, in view of its obvious impracticability in large communities, Price has to adapt this claim and admit that government may be conducted by representation, but his conception of the function of representation is such that it modifies Locke's version in terms of Rousseau's concept of the political sovereignty of the community.¹ Theoretically, then, the answer which Price gives to the question as to what powers are to be attributed to the people is as follows: The people are adjudged to be politically responsible not only in the sense that government must be in accordance with principles which are generally acceptable throughout the community, but also in the sense that they have a right to refashion institutions, to inspire legislation with their judgment, and to participate in all the processes of government.

But when Price comes to terms with the problem of translating his abstract conception of the political responsibility of the people into concrete terms, and when he tries to apply his principles in the context of his own time, he introduces qualifications which diminish considerably the radical force of his theoretical position. From his treatment of the concept of self-government we should have expected that he would advocate far-reaching constitutional reforms to establish a democratic government working solely through a popularly elected National Assembly, but this is not what we find. He realises that Rousseau's model of a community in which each one participates in legislation is impracticable and that representation cannot be avoided.

1. See below, p. 272.

But in admitting the need for representative government, he vacillates between interpreting the function of the representative as that of a trustee and interpreting it as that of a delegate. In the following passage from the 'Observations' it can be seen how he confuses the terminology of Locke and Rousseau,

"Government, as has been before observed, is, in the very nature of it, a TRUST; and all its powers a DELEGATION for gaining particular ends.....

A Parliament, for instance, consisting of a body of representatives, chosen for a limited period, to make laws, and to grant money for public services, would forfeit its authority by making itself perpetual, or even prolonging its own duration; by nominating its own members; by accepting bribes; or subjecting itself to any kind of foreign influence.....

Nothing, therefore, can be more absurd than the doctrine which some have taught, with respect to the omnipotence of parliaments. They possess no power beyond the limits of the trust for the execution of which they were formed. If they contradict this trust, they betray their constituents, and dissolve themselves. All delegated power must be subordinate and limited. If omnipotence can, with any sense, be ascribed to a legislature, it must be lodged where all legislative authority originates; that is, in the PEOPLE." 1.

When we compare this passage with the passage quoted on p. 267 we see that Price falters between the Lockean conception of government, in which those who have authority rule, as it were, on behalf of the governed, and the more democratic conception of government as an instrument for putting the declared will of the people into effect. The conflict between these different conceptions emerges in the discussion of the ways in which the representative should conduct himself.

1. op. cit., p. 15.

In the 'Observations' Price writes,

"If the persons to whom the trust of government is committed hold their places for short terms; if they are chosen by the unbiassed voices of a majority of the state, and subject to their instructions; Liberty will be enjoyed in the highest degree." 1.

But this claim that the representative should consciously take instructions from the governed is modified in the 'Additional Observations'. After stipulating that the franchise must extend to all members of the community, and that electors must be free from the influence of the powerful and the wealthy, Price claims ~~both~~ that "after being chosen, they (i.e., the representatives) must be free", they must be chosen for short terms, and they should "in all their acts be accountable to their constituents".² The claim that a representative should always be accountable to his constituents does not entail that he is always bound to follow their judgment, but it seems difficult to hold both that the representative should always rely upon his own judgment and that he should always defer to the opinion of his electors. Both of these latter claims can only be maintained if it is also assumed that all the members of the community share the same conception of the aims of government. Given that there is such agreement, then it matters little whether the representative relies upon his own judgment or whether he defers to that of the community. This highly improbable assumption is made more plausible by the abstract way in which the ends of government

1. op. cit., p. 10.

2. op. cit., pp. 6 and 7.

are conceived. Here there is less difference between the thought of Locke and Price than might at first be supposed, and consequently less practical difference in their different conceptions of representation. They both hold that there is an individual apprehension of a moral law and a system of rights which is universally binding; they both hold that the ends of government must be determined by reference to such an objective system of law and rights, and, by implication, they both hold that there is a common sense of the ends which government should serve. The main difference is that in Price's thought this implication is made explicit. The identity in the subject of judgment is acknowledged and the public is brought into the foreground to be actively responsible for the common sense of the community.

This transition from the individualist to the collectivist terminology and the habit of talking in terms of the common sense of the community and a collective judgment, although they do not make much significant difference between Locke and Price, because they both assume that there is common agreement as to the limited ends which government should serve, have far-reaching consequences when that assumption is disputed. In such circumstances it makes a great deal of difference whether the representative refers to his own judgment or to that of his electors, and it becomes of the utmost importance to avoid assuming that there is such a thing as a collective judgment or a common agreement as to the ends which government should serve.

Price's hesitancy on the question whether government is to be considered as a trust or as a delegation is further reflected in the account which he gives of the Constitution. If the people are to rule themselves or rule through their representatives, then we might have expected that they would exercise their sovereignty through a Parliament which consisted solely of their representatives, and in which the power of their representatives was qualified only by the need to submit to the collective judgment. We might thus have expected that Price would have advocated a single assembly legislative which would be free from constitutional limitation to exercise the sovereign powers of the people. We might have expected him to have argued the unquestioned ascendancy of the Commons. But this is not what we find; within the scope of popular political sovereignty he tries to find room for the whig doctrine of the balance of estates and the separation and division of functions. In the 'Observations' he gives the following outline of the Constitution,

"In order to form the most perfect constitution of government, there may be the best reasons for joining to such a body of representatives, an Hereditary Council, consisting of men in the first rank of the State, with a Supreme executive Magistrate at the head of all. This will form useful checks in a legislature, and contribute to give it vigour, union, and dispatch without infringing liberty: for, as long as that part of a government which represents the people is a fair representation; and also has a negative on all public measures, together with the sole power of imposing taxes and originating supplies; the essentials of liberty will be preserved." 1.

He shares the inconsistencies of Montesquieu and Blackstone;

1. 'Observations', pp. 11 and 12.

while maintaining that the sole legislative power should reside in the people,^{1.} he claims, as they do, that the exercise of that power should be offset by the limiting power of a Hereditary Second Chamber and the Monarchy. In the 'Additional Observations' he quotes Blackstone with approval - asserting that the diffusion of authority through the three estates is necessary for the preservation of liberty,

"If ever (says Judge Blackstone) it should happen, that the independency of any one of the three branches of our legislature should be lost; or that it should become subservient to the views of either of the other two, there would soon be an end of our constitution. The legislature would be changed from that which was originally set up by the general consent and fundamental act of the society; and such a change, however effected, is according to Mr. Locke (who perhaps carries his theory too far) at once an entire dissolution of the bands of government, and the people are thereby reduced to a state of anarchy, with liberty to constitute to themselves a new legislative power." 2.

Thirteen years later, in some additions to the "Discourse" he returns to the same theme,

"The correction of the abuses in our representation ought to be the first object of the zeal of every Briton. While these abuses continue, our constitution cannot be considered as a free constitution, except in theory and form. It wants that counterpoise or independence of those States in one another, in which its essence as a free constitution consists; and the boasts we make of it are ridiculous." 3.

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1. 'Esprit des lois', "As in a free state, every man who is supposed a free agent, ought to be his own governor: so the legislative power should reside in the whole body of the people." Bk. XI, ch. VI.
 2. Quoted in 'Additional Observations', pp. 45, 46. Cf. Blackstone's 'Commentaries to the Laws of England', (Kerr's Edition, 1876, London).
 3. 'Additions to the Discourse on the Love of Our Country', included in the Fourth Edition of the 'Discourse', (1790), p. 44.

There is no evidence that Price ever cleared himself of these confusions, nor of how he thought he could reconcile his claim that the people (or their representatives) should have unqualified authority, with his approval of the whig doctrine of the balance of estates. This lack of clarity enables us to understand why he was much more enthusiastic in his appraisal of the Constitution and much less radical in his demand for reform than we might otherwise have expected. We have already noted the glowing terms in which he set forth the principles of the Constitution in 1759.¹ In the 'Additional Observations' he writes in a similar vein,

"A free constitution of government cannot be preserved without an earnest and unremitting jealousy. Our Constitution, in particular, is so excellent, that it is the properest object of such a jealousy. For my own part, I admire so much the general frame and principles of it, that I could be almost satisfied with that representation of the kingdom, which forms the most important part of it, had I no other objection to this representation than its inadequateness. Did it consist of a body of men, fairly elected for a short term, by a number of independent persons, of all orders in every part of the kingdom, equal to the number of the present voters; and were it, after being elected, under no undue influence; it would be a security of such importance, that I should be less disposed to complain of the injustice done, by its inadequateness, to the greatest part of the kingdom by depriving them of one of their natural and inalienable rights."²

The reforms of the Constitution with which he was then most concerned were those relating to the representation. Following Burgh who produced his 'Political Disquisitions' in 1774, and Cartwright who wrote his pamphlet 'Take Your Choice' in 1776, he advocates an

1. Ch. I, pp. 36, 37.

2. op. cit., pp. 42 and 43.

extension of the franchise, the exclusion of patronage, and Parliaments of shorter duration. In 'The Discourse' the emphasis is again laid upon the problem of representation,

"But the most important instance of the imperfect State in which the Revolution left our constitution, is the INEQUALITY OF OUR REPRESENTATION. I think, indeed, this defect in our constitution so gross and so palpable, as to make it excellent chiefly in form and theory. You should remember that a representation in the legislature of a kingdom is the basis of the constitutional liberty in it, and of all legitimate government; and that without it a government is nothing but a usurpation. When the representation is fair and equal, and at the same time vested with such powers as our House of Commons possesses, a kingdom may be said to govern itself, and consequently to possess true liberty." 1.

This preoccupation with the franchise needs to be borne in mind when we come to estimate the relevance of Burke's criticism of the 'Discourse'. It dominates Price's political programme and shows the comparatively limited range of his ^{interest in} constitutional reform. The removal of the abuses and anomalies of the existing system, and the widening of the franchise to include every rational adult would have satisfied his demand for change. He did not advocate far-reaching structural alterations in the Constitution, the abolition of the monarchy, the removal of the peers, or the resolution of Parliament into a uni-cameral legislative. This attitude is made clear in an exchange of correspondence with the Duc de Rochefaucauld during the autumn of 1790. On August 4th he received from the Duke on behalf of the Department of Quimper an effusive letter of thanks; in reply Price writes of

1. op. cit., pp. 39, 40.

the French Revolution,

"From the instruction there given, the world will learn, that, as subjects of government and law, all men are equal; that in every State the Majesty of the People is the only Sacred Majesty; that all civil authority is a trust from them; that its end, is not to take away, but to establish liberty; by protecting equally all honest citizens; and that the governing power in every nation ought to be, not the will of any man or classes of men pretending to hereditary rights, but the collected wisdom of the nation drawn from the general mass, and centered in a NATIONAL ASSEMBLY, by such modes of election, and such an extension of its rights, as form a part of the new constitution of France." 1.

This wording suggests that the Commons should have unquestioned ascendancy over legislation and the functions of government, but when Price explains how 'the collective wisdom of the nation may be drawn from the general mass' in Britain, he writes,

"The government of Britain would be nearly such a Government as is here meant, and its constitution all that the writer of this letter can wish to see it, were the three States that compose it perfectly independent of one another, and the House of COMMONS in particular, an equal and fair representation of the kingdom, guarded against corruption by being frequently renewed, and the exclusion of placemen and pensioners." 2.

In the year following the delivery of the 'Discourse', Price was given a further opportunity to state the extent to which he thought reform desirable. At the meeting of the Revolution Society in 1790, at the London Tavern he proposed a toast, "The Parliament of Britain - May it become a National Assembly." This wording caused some misunderstanding and heaped fuel on the fires of Burke's suspicion.

1. 'Additions to the Discourse on the Love of Our Country', included in Fourth Edition of the 'Discourse' (1790), p. 41.
2. Ibid., p. 41, fn.

Price was prompted to clarify his meaning in a further addition to the 'Discourse' in which he left it without doubt that though he desired to see a Commons composed of an effective and suitable representation of the people, he had not abandoned the whig conception of a balanced constitution.^{1.} A further token of Price's moderate attitude to the question of reform can be seen in his belief that the changes required to make the Constitution what it should be, are neither so drastic nor so violent as to threaten anarchy. Such is the excellence of the British Constitution, such is its flexibility and adaptability, that all the necessary modifications can be effected without such dangers,

"...being in possession of the forms of an excellent constitution of government, any changes or improvements necessary to correct abuses and to give perfect liberty, may be grafted upon them, without tumult or danger; whereas other countries, wanting these forms, and being under the necessity of erecting a new constitution on the ruins of an old one, cannot acquire liberty without setting everything afloat, and making their escape from danger through the dangers of anarchy."^{2.}

Just as we must beware of exaggerating Price's limited interest in constitutional reform, so, too, we must beware of exaggerating his interest in the reform of social institutions. The aspect of the French Revolution which captured his imagination was its promise of constitutional reform, and it was this that encouraged him to see

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1. 'Additions to the Discourse on the Love of Our Country', included in Fourth Edition of the 'Discourse' (1790), p. 41.
 2. 'The Discourse', p. 42.

1789 as a legitimate successor of 1688. That Price should have interpreted the opening events of the French Revolution in the light of 1688 may be testimony to his limited understanding of these portents, but by the same token it is also testimony to his limited interests in reform. His demand for complete freedom of worship is, by implication, an attack on the privileges accorded to the members of the Established Church and an attack on the penalties imposed upon Nonconformists, and his demand for an equal distribution of political rights is an attack upon the political privileges accorded to wealth and rank; it must also be admitted that he saw that political reform was a necessary introduction to religious freedom, but it would be misleading to read into Price's theoretical demand for reform any desire for more extensive social adjustments than the removal of these abuses would require. That this is so can best be seen in the way in which he conceives the proper functions of government. As the aims of the State should be restricted, so should the aims of reform and revolution. The liberal tradition in the Eighteenth Century, which owed so much to Locke, limited the functions of the State in three important particulars.^{1.} Subject to the qualifications which we have noted above,^{2.} it excluded the State from any direct responsibility for religion; it excluded the State from any responsibility for determining moral codes, - its functions in these matters being restricted to maintaining a structure of social

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1. Cf. G.H. Sabine, 'The Two Democratic Traditions', *The Philosophical Review*, Vol. LXI, No. 4, Oct. 1952.
 2. See above, p. 25. et seq.

relationships determined independently of political activity - and it ^xexcluded the State from interfering, beyond its responsibility for ^{the} general security, with [^]freedom of individuals and private associations to regulate their own affairs. Price is dominated by this tradition, and, despite the ease with which he assimilated much of Rousseau's language in discussing the functions of government, he rarely strays from its liberal principles. As we have seen, it is fundamental to his whole position that the State has no responsibility for religion other than ensuring the rights of freedom of conscience to each one, and the force of his discussion of the problem of 'toleration' is always to advocate a more rigorous application of Locke's more radical position. Similarly, no thinker could be more emphatic than Price was that morality lies completely outside the sphere of political determination. His defence of the independence of moral thinking contrasts vividly with the view propounded by Warburton that there is a pragmatic sanction for an Established Church in that religion provides supernatural sanctions for moral conduct; with the Platonic view, to which there are parallels in Rousseau, that it is a responsibility of the State to define and inculcate moral codes; and with the aristocratic view, which emerges in Burke, that it is a duty of the privileged to guide and instruct the moral thought of the non-privileged. This delimitation of the State's responsibility in matters spiritual and moral is accompanied by a further severe limitation of its responsibilities in matters economic and social. Political society is instituted to defend rights; it does not create

them,

"Just government,..... does not infringe liberty, but establish it. It does not take away the rights of mankind, but protect and confirm them" 1.

The main function of government is to give us security against internal and external aggression, to defend us against "violence and oppression", to secure to us "our good names, properties and lives" 2. and to secure the "right to do as one pleases as long as this does not encroach upon the equal liberty of others." It is not the purpose of reform to augment these responsibilities of the State. Price would place political power in the hands of the people not for the purposes of promoting positive collective action, but because he believed that the people were those who could be relied upon to limit the use of political power and to remove the abuses which had arisen through the misapplication of that power. The Revolution, as Price admired it, was not then to be understood either as an attack on property or as an attack upon the established social structure. As he noted in the 'Additional Observations',

"Civil government, in its genuine intention, is an institution for maintaining that equality, by defending it against the encroachments of violence and tyranny. All the subordinations and distinctions in society previous to its establishment, it leaves as it found them, only confirming and protecting them." 3.

The Revolution is an attack on property only to the extent to which it is an attack upon those rights which have been secured by

1. 'Additional Observations', p. 13.
 2. Ibid.
 3. op. cit., p. 27.

illegitimate State intervention. It must be admitted that Price's terminology is often confusing; he speaks of the common good, and he indicates a collective judgment in such terms as to suggest the invocation of popular political sovereignty for the purposes of a drastic revision of all social institutions. But at every point he reads into the political judgment of the people his own liberal persuasions. The common good which it is the concern of the State to promote is not an integration of all individual goods, but the identity of interest of those who believe that the functions of the State should be severely restricted. The collective judgment which he has in mind is the collective judgment of those who believe in the political inviolability of the moral law, property, the economic life of the community and those social institutions which do not depend upon the illegitimate support of the State. It was because he believed that the people and their representatives would be the stoutest defenders of these limitations upon the activity of the State, that he, rather optimistically, sought to place political power in their hands.

The Spirit of the Revolution seemed glorious because it acknowledged the moral and political worth of each individual, and sought to make effective the political responsibility of each individual. So carried away was he by his enthusiasm, that he saw the Revolution not only as a means by which moral responsibilities were enlarged by bringing political responsibilities to the vast majorities which had hitherto been excluded from moral responsibility for government, but also as a witness to a moral regeneration. By demanding political

rights the people were showing a lively realisation of those moral responsibilities. Enthusiasm swept Price on to see the Revolution as a triumph for reason, both because it affirmed those principles which reason discerned to be true, and because it sought to make reason the final arbiter of political questions. It was this confidence in the moral awakening of the people and in the growing rationality of men that enabled him to see the hand of Divine Providence guiding the political developments of his time. Man as a rational and as a moral agent is the instrument of God, an instrument through which God works the 'amelioration of human affairs'. The Revolution was part of the Providential design; it looked forward to the millenium in which man would serve no master other than reason and the moral law. Fired by such unqualified optimism he moved to his final peroration, in which with prophetic ardour he hails the Revolution as the apotheosis of liberalism.

"I have lived to see the rights of men better understood than ever; and nations panting for liberty, which seemed to have lost the idea of it - I have lived to see Thirty Millions, of people, indignant and resolute, spurning at slavery, and demanding liberty with an irresistible voice; their king led in triumph, and an arbitrary monarch surrendering himself to his subjects -- After sharing in the benefits of one Revolution, I have been spared to be a witness to two other Revolutions, both glorious. And now methinks, I see the ardor for liberty catching and spreading; a general amendment beginning in human affairs; the dominion of kings changed for the dominion of laws, and the dominion of priests giving way to the dominion of reason and conscience.

Be encouraged, all ye friends of freedom, and writers in its defence. The times are auspicious. Your labours have not been in vain. Behold kingdoms, admonished by you, starting from sleep, breaking their fetters, and claiming justice from their oppressors! Behold, the light you have struck out, after setting AMERICA free, reflected to FRANCE; and there kindled into a blaze that lays despotism in ashes, and warms and illuminates EUROPE!

"Tremble all ye oppressors of the world ! Take warning all ye supporters of slavish governments, and slavish hierarchies ! Call no more (absurdly and wickedly) REFORMATION, innovation. You cannot now hold the world in darkness. Struggle no longer against increasing light and liberality. Restore to mankind their rights; and consent to the correction of abuses, before they and you are destroyed together." 1.

1. 'The Discourse', pp. 49 - 51.

CHAPTER VI.

In our previous chapters we were concerned to show how the Radicals transformed the old theory of government by extending and amplifying the notion of popular political responsibility. However the Whigs emphasized that the people were the source of political authority and that the British sovereign was the moral conscience of the community, the Radicals looked on the people as sovereign in all respects and held them responsible not only for supervising and controlling the procedure of government, but also for constitutional reform and for the direction of legislation.

THE SIGNIFICANCE OF CONSENT

In this present chapter we shall discuss the principle of self-government on which Paine bases this radical position and indicate what implications for political theory and political practice may be drawn from it. As we saw in our analysis of the argument with which Paine opens the defence of the American colonists, he centres our attention on the notion that the people are morally responsible

for their own government. The thesis that every man should govern himself, that he should be under his own (rational, moral) will, yields two interpretations. Firstly, it is asserted in the form that each individual should owe final allegiance to his own conscience and to his own moral convictions; and secondly, it is asserted in the form that each individual should have full and equal political rights.

In our previous chapter we were concerned to show how the Radicals transformed the whig theory of government by extending and amplifying the notion of popular political responsibility. Whereas the Whigs emphasised that the people were the source of political authority and that the ultimate sovereign was the moral consciousness of the community, the Radicals invoked the people as sovereign in all respects and made them responsible not only for supervising and sanctioning the procedures of government, but also for constitutional reform and for the direction of legislation.

In this present chapter we shall discuss the principle of self-government on which Price bases this radical position and inquire what implications for political theory and political practice may be drawn from it. As we saw in our analysis of the argument with which Price comes to the defence of the American colonists, he centres our attention on the notion that the people are morally responsible

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 for their own government. The thesis that every man should govern himself, that he should be under his own (rational, moral) will, yields two interpretations. Firstly, it is asserted in the form that each individual should owe final allegiance to his own conscience and to his own moral conceptions; and secondly, it is asserted in the form that each individual should have full and equal political rights. In our discussion of freedom, we noted how the assimilation of the different definitions of freedom predisposes Price to hold that government will only be in accordance with the conscience of the individual where there is a full and equal distribution of political rights, and we noted the arguments with which he supports this claim; in what follows we shall be concerned with the political implications of the first of these assertions, and inquire whether the maxim of subjective rectitude, - the claim that each man should be under his own will in the sense that he should always act and be governed in accordance with his conscience - requires, as Price thought it did, that all men should enjoy the political rights of self-government.

We have noted that Price's claim that each one has a right to do what he thinks he ought to do, is interpreted in terms of the assumption that our consciences are both privately and Divinely

1. I wish to acknowledge my indebtedness to the following discussions of the Theory of the Social Contract -
 H.D. Lewis, 'Is There a Social Contract?', *Philosophy*, 1940.
 Margaret Macdonald, 'The Language of Political Theory', contained in 'Logic and Language', (First Series, ed. A. Flew).

inspired and that, in consequence, our moral judgments are both immediate and incorrigible. We have argued that the feasibility of freedom of conscience interpreted in this way presupposes a complete harmony of individual moral performances and a harmony of individual moral conceptions. To this we may add^{that} the feasibility of such a freedom of conscience requires not just that there should in fact be such a harmony of individual conceptions, but also that the requirements of such a harmony should be universally known and accepted. For, if it is to be the case that my performance of the action which I think I ought to do is not to conflict with your performance of the action which you think you ought to do, then it must also be the case that I never think that I ought to do an action the performance of which would conflict with your performance of the action which you think you ought to do. And if this latter condition is to be satisfied then the requirements of the order which preserves us in harmony must be known and accepted by us both.

Now in circumstances where it is maintained that I have a moral right, and should have a legal right, to do what I think I ought to do, and where there is such a harmony of conscientious activity that makes the satisfaction of this demand feasible, the activities of government should never interfere with the provisions of such a moral order. The range of political activity is severely restricted, for, if law should never inhibit activity in accordance with first

order or 'private' moral conceptions, political activity should be confined either to maintaining the conditions under which conscientious activity can come to fruition, or, if it is admitted that there are some decisions which are morally indifferent, to regulating those decisions which are not determined by considerations of conscience. In our discussions of Price's definitions of freedom we noted that he tends to assimilate freedom defined as the ability to act in accordance with one's own conceptions, with freedom defined as the absence of personal restrictions upon conscientious activity, with the consequence that he tends to assume that the only impediments to our being able to act in accordance with our own consciences are the personal intrusions of others. Now if it is also assumed that there is a harmony of conscientious activity, and that my freedom of conscience does not obstruct your freedom of conscience, then the only actions of yours which can prevent my acting in accordance with my conscience, and the only impediments to my being able to act in accordance with my conscience, are your non-conscientious actions. And, if it is further assumed that there are no decisions which are morally indifferent, then the only obstructions to freedom of conscience are the deliberately wicked actions of others. On these assumptions it follows that all that government needs to do in order to create the conditions of moral freedom, is to inhibit morally perverse and deliberately wicked actions. Government neither needs to nor should interfere with actions in accordance with first order or 'private'

moral conceptions. In such circumstances each individual can always expect that his government will allow him to act in accordance with his own conscience; his obligation to support government, which is an obligation to support an institution which by the inhibition of perverse moral tendencies creates the conditions in which he can discharge his moral responsibilities to the full, in no sense conflicts with his allegiance to his own conscience, for the law defined according to the provisions of the universal moral order only confirms in him, and on no occasion limits, his freedom to act in accordance with his own conceptions.

It is clear that this interpretation of our allegiance to our own conscience presents us with an over-simplified account of our social and political obligations. The basic assumption upon which it is founded, namely, that our consciences are both 'privately' and Divinely inspired, leads us to ignore the difficulties which arise because our judgments are fallible; the consequent assumption that there is a harmony of individual moral conceptions leads us to ignore the difficulties which arise because our moral judgments are sometimes at variance, and because we need to make provision for the social adjustment of differing opinions. Among the obligations which these difficulties occasion, - and an acknowledgment of which, by implication, denies the validity of the claim that we always have a right to do what we 'privately' think we ought to do, - are the following:- we have

a continual obligation to improve our knowledge of right and wrong, not only with regard to the facts which are relevant to moral judgment, but also with regard to the moral principles which are to be applied to those facts; we have a continual obligation, where we find ourselves in moral disagreement with others, to clarify the ground or the cause of conflict; we have a continual obligation to respect the opinions of others, and in the spirit of Candour, we ought always to proceed, until we are convinced to the contrary, on the assumption that others hold their opinions in good faith; we ought always to submit our opinions and those of others to the tests of reason and to the tests of evidence; we ought always to be willing to rest by the results of such enquiry; and we ought always to be diligent in what we may term moral diplomacy, that is, the attempt to adjust conflicts of moral principle and divergences of moral conception. These obligations show the public aspect of moral judgment; without detriment to the claim that ultimately an individual must always decide for himself and accept responsibility for his own moral decisions, we acknowledge that moral deliberation, far from being a purely private matter in which the individual communes only with the 'inner' and 'private' voice of conscience, is capable of illumination by inter-personal discussion. And part of what is meant by acknowledging this public aspect of moral judgment is the recognition that we have a continual obligation to submit our own conceptions to criticism and to be prepared to modify, in the light of such criticism, the immediate deliverances of our own consciences.

But though we attack the interpretation of the maxim of subjective rectitude which is based on the assumption that our consciences are privately and Divinely inspired, we do not wish to be taken to be attacking that maxim in all its forms. Thus, in criticising the sanctity of private conscience, we need to distinguish another claim against which our criticism might seem to be directed. If we abandon the notion of a completely private conscience we do not need to relinquish the claim that a person should always do what he ultimately thinks he ought to do, for the admission of the value of interpersonal moral criticism is not inconsistent with this claim. To deny that the individual should set up his own private conscience against the world does not entail denying that the individual should always do what he thinks he ought to do when he has taken into account all his subsidiary obligations, nor does the plea for humility in moral judgment absolve the individual from responsibility for his own moral decisions. All that we contest here is the assumption of privacy, and we can isolate the object of attack by distinguishing what a person privately thinks he ought to do, from what he ultimately thinks he ought to do when he has taken into account the force of criticism. This distinction can be made clearer by noting an ambiguity in the phrase 'what a person thinks he ought to do'; sometimes we use it loosely to cover all the cases where a person entertains an opinion or has a mental attitude towards a point at issue; sometimes, and more strictly, we use it for the opinion or attitude a person has when

he has reasoned or reflected upon the point at issue. Now if we admit the obligation to criticise, it can be seen that merely having an attitude towards a point of issue does not of itself create an obligation to act in accordance with that attitude; merely 'having an idea' that a certain line of action would be right is not of itself sufficient to create an obligation to do that action. What we are bound to do is not what we immediately think we ought to do, but what we think we ought to do when we have reasoned and reflected upon what we ought to do. If we make this distinction between what we immediately think we ought to do and what we ultimately think we ought to do, we shall not be misled to interpret the claim that we ought to do what we think we ought to do, in terms of the former, nor shall we be misled into thinking that the arguments for rejecting the claim that we ought to do what we privately and immediately think we ought to do, are fatal for all forms of the claim that we should do what we think we should do. The admission of the value of social criticism is not fatal to the maxim of subjective rectitude as long as it is borne in mind that the action which each person should do is what he thinks he ought to do when he has taken into account the force of all the subsidiary obligations which enjoin criticism of his own conceptions.

It is interesting to note how support is given to the notion of a private conscience by assuming the discreteness of the individual where such discreteness is inappropriate. While it is valid to consider

moral decision and moral responsibility as relating to a discrete and self-dependent individual, it is misleading to apply such self-sufficiency to the individual moral judgment. Here we have a further example of how the concept of the individual as a completely self-determining entity can distort moral and political theory, for whatever validity may be ascribed to the notion of the individual as a self-determining moral agent, it only does violence to our moral thinking if we claim that the individual is self-dependent in moral judgment in the sense that he can rely solely upon his own judgment without reference to the opinions of others.

It will be seen that the existence of these subsidiary obligations shows the need for and the fruitfulness of those social institutions of free discussion, impartial enquiry and disinterested negotiation which facilitate the discharge of these obligations, and, further, that the value of these institutions creates a derived obligation to support them. It remains to be asked whether our obligations to support such institutions can ever conflict with our obligation to do what we ourselves think we ought to do. This introduces us to the general problem of allegiance to social and political institutions, and it is important to clarify certain features of this problem which at first sight seem to be fatal to the principle of subjective rectitude even when it is urged in the form that a person should always do what he ultimately thinks he ought to do.

Social institutions are of service in promoting the moral life not only because they provide techniques whereby we may adjust different moral conceptions, but also because they define at least some of our moral obligations in the form of law and enforce their observance. Where there are conflicting moral conceptions, the forms of law select only some of the moral conceptions which obtain, and their enforcement involves at least some members of the community in actions which conflict with their own moral conceptions. If the contention that I always have a moral right, and should have a legal right, to do that which I privately think that I ought to do, were valid, then such social definitions should only confirm in us the right to act in accordance with our own private consciences. This would be feasible, as we have seen, only in those circumstances in which there was a harmony of conscientious activity and a universally accepted moral order, and in which all that government would need to do would be to give legal definition to the provisions of such a moral order. We have, however, noted that there are good reasons for denying the feasibility of such complete freedom of private conscience, and consequently, for denying that the only function of law is to confirm in each one the right to act in accordance with his own private conceptions. It is the sheer fact that there are diverse and mutually incompatible conceptions which precludes this possibility. When we appreciate this, we see that there is need for the social regulation of differing conceptions, and we look

to social institutions to produce order out of what would otherwise be chaos. Further, we see that there is a special need for the provision of such order where the techniques of rational discussion fail; we need a rule and the enforcement of a rule where we are unable to adjust our differences by an appeal to reason.

Such regulation is, however, bought at a price, for unless there is a complete harmony of moral performance, the social definition of our obligations must limit the freedom of at least some members of the community to act in accordance with their own conceptions, and the social enforcement of those definitions must, sometimes at least, coerce some members of the community against what to them is their better judgment. Here then we seem to be presented with circumstances which seem to make it impossible for us to maintain that a person in society should always have regard to the maxim of subjective rectitude, and which seem to make it impossible that he should be governed in accordance with his conscience. For if we admit the need for social institutions to bring order out of the chaos of conflicting conceptions, and if we admit that each individual has an obligation to support institutions which provide such order, we seem to be acquiescing in the need for institutions which will circumscribe each man's freedom to act in accordance with what he ultimately thinks he ought to do, and which will sometimes compel him to act against his conscience. This problem becomes more acute in those circumstances where social regulation is

most needed, where the appeal to reason fails, for here we seem to be suggesting that a man has a duty to support institutions which coerce him to act against the light of his own reflective conscience.

This difficulty can only be removed by drawing the problem of reconciling the need for adjusting different individual conceptions within the individual's allegiance to his own conscience, within the ambit of the individual's own moral judgment. We need to suppose that the individual can by reflection both upon the need for government to organise different conceptions and upon his allegiance to his own conceptions, derive an obligation which will comprehend both. We need to suppose that the individual formulates for himself, by reflecting on the need for the social regulation of different conceptions, a principle upon which he is obliged to accept social regulation even where it modifies his own conceptions. For example, if an individual could persuade himself of the validity of the following:- (a) that there are some conflicts of individual moral conceptions, and (b) that a particular form of social regulation is preferable to a condition of anarchy, then he will perceive that the acceptance of that form of social definition and social regulation has the force of obligation, even though such acceptance circumscribes his own freedom to act in accordance with his own private conceptions. He will then be obliged to accept the social definition of his obligations, as long as he perceives that the general application of such social definition is morally desirable.

He will owe allegiance not to what he thinks he ought to do when what he privately thinks he ought to do is set up against the whole world, but to what he thinks he ought to do when he has taken into account the need for the social definition of obligations and the best means of obtaining that social definition.

It might be thought that a solution along these lines entails the individual's complete alienation of his own moral judgment and his own moral responsibility. Are we not suggesting that each individual should surrender the control of his life to society and accept a social determination of moral values which would completely and utterly override his own conceptions? It will be seen, however, that the solution proceeds on the assumption not that the individual should deny his conscience by such an act of submission, but that the act of submission is seen to be morally necessary and enjoined by conscience. Even if we consider the solution in the Hobbesian form,¹ where it is maintained that the acceptance of any form of sovereign authority is preferable to the absence of such authority, we have to admit that the argument that such an act of submission would rarely, if ever, seem acceptable to the individual conscience, would not affect the validity of the claim that, if the individual did see such an act of submission to be valid and enjoined by conscience, he would have an obligation to support without reservation a government which imposed such a form of order.

1. Leviathan, (Oakeshott's Edition), Ch. XVII.

In this way the Hobbesian foundation of absolutist government may be distinguished from the Theory of Divine Right, for whereas the latter just asserts that a 'de facto' absolutist government, or an absolutist government claiming authority through hereditary succession, has a divine or moral sanction, Hobbes maintains that the authority of an absolutist government depends upon its being seen to have such an authority by the governed. This distinction draws our attention to what we shall later claim is the dominant feature of the Doctrine of Consent, namely, that the rights of government depend upon the subject's apprehension of their validity, for it is only in this way that the acceptance of government can be reconciled with the maxim of subjective rectitude. Our suggested solution of this difficulty is not, however, committed to the view that the individual will always see that any form of political sovereignty is preferable to political anarchy, for this proposition is only one of several which may be read into the individual conscience as an adequate criterion for the acceptance of social regulation and the social definition of obligations. It may be the case that only some forms of government are seen to be preferable to the condition of political anarchy in which there is no social determination of moral conceptions, and, consequently, it may be that only some forms of government are seen to create the obligation of allegiance. If this latter position is maintained then it can be seen that there is only a continuous obligation upon the governed to hold allegiance to a particular form of government where that particular form

satisfies the general criterion of allegiance. (Even on the Hobbesian view, the allegiance to a particular government is dependent upon that which claims to be a government being seen to satisfy the general criteria for the definition of government - where an authority no longer succeeds in creating the conditions under which life can be preserved, it ceases to have authority.)

If the individual can accept the claims of government on these lines he will appreciate that his allegiance to his own private conceptions will always be subject to the demands of law, where law has been formulated in accordance with techniques and principles which he himself sees to be appropriate and necessary. For if he accepts the need for government and the social definition of obligations, and if he reads into his acceptance of government the requirement that government should conduct itself according to certain techniques and principles, he must then accept the exercise of those techniques when they impinge upon his own freedom to act in accordance with his own conceptions. In admitting the need and the acceptability of government he is in fact admitting the need that his own conceptions be modified to accord with those of others. Under government he will not then expect that he will have an obligation to act upon his own conceptions, neither will he expect to be free to act in accordance with those conceptions; what he may expect is that he will have an obligation to support law where government satisfies the demands of his reflective conscience, by ruling in accordance with those principles and those techniques

which he himself holds to be the criteria for the acceptability of government. If in fact the exercise of those techniques and principles in some particular instances restricts his own freedom to act in accordance with his own private conceptions, it will not, if he approves of the general acceptance of those principles and techniques, destroy his obligation to support government.

The maxim of subjective rectitude must then be interpreted not on the assumption that each individual's conceptions are privately and Divinely inspired, but on the assumption that each individual's allegiance to his own private conscience is subject to the demands of law the general intention of which he approves. What I should do is not what I privately and immediately think that I should do, but what I should do when I have taken into account the derived obligation which I, along with others, have to support institutions for which, we agree, there is a moral need.

Considered socially, it will be seen that the general condition which must be satisfied for government in accordance with (reflective) conscience to be feasible throughout a community is not that there should be a complete compatibility of first order or private moral conceptions, but that there should be a general acceptance of the need for government and the desirability and obligatoriness of accepting a particular form of government. This general agreement or general will exhibits not a natural identity of individual moral conceptions

but a unity which is derived from the reflective consideration of the need for government. In this sense reason unifies, for the general will is a manifestation of each individual's rational acceptance of the need for regulation. Price's demand that no man should be under the will of another is met in the sense that in submitting to be governed each man is accepting what he himself sees to be obligatory upon himself.

It should be emphasised that the view outlined here does not posit an 'a priori' determination of the content of the individual conscience; it is not being claimed that there will always be general agreement within the community either as to the need for government or as to the acceptability of a certain form of government; neither is it being claimed that each individual will always see that the acceptance of government or the acceptance of a particular form of government is obligatory. It may well be the case that it is impossible to find a form of government which is acceptable to all the members of the community, and it may even be possible to find some individuals who deny the need for government in any form. These possibilities do not, however, invalidate our main contention, for we are concerned to demonstrate those conditions under which government in accordance with conscience is possible; we are not committed to saying that government in accordance with conscience is always possible, nor to denying the facts that in some contexts for at least some individuals the demands of government are coercive demands which violate not only

private conceptions but also the demands of reflective conscience.

Our main thesis hitherto can be summarised in the following way: When we claim that a man should always act in accordance with his conscience and that he should be governed in accordance with his conscience, we wish to be taken to mean that he should always act and be governed in accordance with his reflective conscience. Unless we stress the need for reflection and the need to take into account those obligations which we have because we sometimes make mistakes in moral judgment, and because we find ourselves in a social context in which our own moral judgments have to be reconciled with those of others, we tend to find ourselves arguing that every man ought always to follow his own 'private' judgment. If, however, we lay aside the tendency to think in this way and acknowledge the implications of the fallibility of our moral judgments and the fact that there are various and conflicting moral conceptions, we see that for government to be acceptable to conscience it does not have to be the case that each man is governed in accordance with his own private conceptions.

II.

The counterpart to the thesis that each person has an obligation to support government where he can morally accept the functions of government, is the thesis that a person only has an obligation to support a particular embodiment of government where he sees, or would see if he reflected, that the functions of government are morally acceptable. To elucidate this feature of the Doctrine of Consent it is important to distinguish the obligation to support government in principle - what the Contract Theorists termed the obligation to 'institute' government - and the obligation to submit to a particular embodiment of government. Submission to a particular form of government, to social determinations in the concrete, involves the individual in practical submission to the judgment of others and to direction by the conceptions of others, in a way in which he is not involved by an acknowledgement of the need for government. 'Prima facie' submission to a particular form of government and surrender to political authority would seem to entail that the individual should surrender the control and direction of his life in at least some respects in a way

which involves an alienation of his moral responsibility. In so far as the acceptance of government would be the acceptance of a will which conflicted with one's own moral conceptions, such acceptance would seem to be a violation of the demands of conscience. It is clear then that such submission can only be reconciled with the claims of conscience if the act or attitude of acceptance in each individual is mediated by a reflective perception of the validity of the general claims of a particular embodiment of government. It may be objected that it is unnecessary to base the authority of government on the consent of the people in this way, as the criterion that government promotes goods which cannot be otherwise secured is in itself sufficient to determine whether any particular government has authority. As far as the general principle of political obligation is concerned, it may be argued, we can demonstrate the appropriateness of allegiance by pointing to the goods which government secures. This being so, the only consideration relevant to the determination whether a particular government should be obeyed is whether or not its performance satisfies this criterion; any further reference to the consent of the people is superfluous. For if we consider how any person would decide whether or not he had an obligation to continue to support his government, we see that the only question which he would consider relevant is whether the particular government in general discharges the useful functions which government should discharge. This being so, any further consideration as to whether the government governs with the consent of the people is irrelevant.

But this objection misses the point by misinterpreting the way in which the authority of a particular government is here conceived to depend upon the consent of the governed. For it is not being asserted that consent is the ground of the appropriateness of the general principle that government should be instituted and supported, nor is it being asserted that the element of consent is the whole of the ground of a particular person's obligation to obey a government. What is being asserted is that the attitude of reflective acceptance of the appropriateness of a particular embodiment of government is a necessary condition for the existence of an obligation to obey that government. To say that government depends upon consent is not to offer an alternative ground to utility for the appropriateness of allegiance; it is rather to say that we are only justified in accepting the rule of a particular government where we see that that government uses techniques for the social adjustment of differing conceptions which are appropriate.

The main features of this view can be illustrated by examining the Theory of the Social Contract, which is one formulation of the Doctrine of Consent. It will be convenient to examine the form which this theory takes in the thought of Locke, because, as we noted in our previous chapter, it was in his terminology that Price elaborated his radical position. The main theme is that the practice of government must satisfy the standards set by the community, and that the common political will to be governed by such standards is derived by an act of

rational and reflective acceptance by each member of the community. Locke gives a vivid illustration of this claim by formulating it in terms of how political society is instituted.¹ We may first consider some of the details of the account and then examine how it embodies the claim that the authority of government depends upon the consent of the people. Society is instituted when all the members of a community come together and decide to form a society. Each one agrees that he will be bound by the rules of the society thus created, and will transfer to a central direction his powers of defending himself against aggression and of punishing offenders against the law of nature, on the conditions that every other member does likewise and that the powers which society thereby gains are used to promote the security, the happiness and the liberty of each member of the community, and to preserve in them the rights which they have according to Natural Law. When society is thus instituted, and the general principle of social regulation embodied, the particular forms and institutions of social regulation are then determined by a majority decision of the members of the society; in their determinations the majority - and Locke holds it to be an article of Natural Law that the decisions of the majority should be accepted² - are to have regard for the natural rights of all individuals. Finally, when the forms of political institutions have been determined, the community delegate the exercise of the powers of government in the form of a trust. The feature

1. 'Second Treatise on Civil Government', sect. 95.

2. op. cit., sect. 96.

of this fictional account with which we are most concerned is the supposedly first step by which an individual sanction is given to the embodiment of the principle of social regulation; each member of the community is conceived to accept as binding upon himself an embodiment of the principle (not the principle) that he along and equally with others should submit to the techniques of some particular form of government. The account lays stress on the fact that each individual freely consents to the creation of the forms of social regulation which will limit his own powers and direct the exercise of his will. The obligation to submit to a particular embodiment of government is thus dependent upon the acceptance of the forms of social regulation which are embodied by the act of contract. Below we shall suggest that the fiction of the Contract is misleading in so far as the notion of a contract itself tends to distort the nature of the act or attitude of acceptance upon which the obligation to obey a particular form of government depends; it misleads by suggesting that the dependence is created by an act or performance of consent, and it misleads by suggesting that the whole of our political obligations are created by and derive from the act whereby society is instituted. But apart from the question whether the relation of dependence is better construed as the consequence of a performance or as an essential condition,^{1.} it is important to note that it is not the obligation to institute government in principle, but the obligation to support a particular embodiment of government which is dependent upon the act or the attitude of consent.

1. See below, p. 320 et seq.

The former does not depend upon consent as the latter does because the acceptance of the validity of the principle that there should be social regulation of conduct does not involve the individual in the actual surrender of his powers which the acceptance of a particular embodiment of that principle does. By merely acknowledging the value and the need for government in general I do not endanger my allegiance to my own conscience in the way in which I do endanger it when I accept the embodied forms of government. According to Hobbes, for example, we have an obligation to seek to institute the forms of government because we have an obligation to do our utmost to preserve our own lives. Thus far there is no reference to the need for consent. But, on his view, we only have an obligation to submit to a particular embodiment of government where we see that by doing so we shall in fact be doing something which will conduce to our self-preservation, and where we see that that which claims to be an embodiment of the principle of social regulation is a worthy embodiment of that principle. The act of insight and acceptance is a necessary condition of our being justified in surrendering to some society the exercise of those powers which otherwise we should exercise ourselves. Unless we keep this distinction firmly in mind, we may confuse the claim that our allegiance to a particular embodiment of the principle of social regulation depends upon consent, with the claim that the obligation to institute government depends upon consent, and, because it can be shown that the obligation to institute government does not so depend upon consent, we may be misled into holding that the element of consent is in

no sense an essential condition of our having political obligations. Locke, it is true, gives different accounts of our obligation to institute society. On occasion he maintains that we have an obligation to seek social regulation in order to ensure the conditions under which natural rights may be enjoyed, whereas at other times he maintains that men only join society with the intention of thereby giving greater security to their own interest. As we suggested earlier, Price,¹ involved as he is in the terminology of Locke, does not always free himself from this confusion, but for both thinkers it is clear that, whatever may be the ground or basis of the obligation to institute social institutions, the existence of an obligation to support a particular embodiment of that principle, has as its essential condition the acceptance by each individual of the general claims of that embodiment.

For the purposes of the Theory of the Contract it is also important to note that it is the embodiment of the general principle of regulation which is the object of acceptance. The identity which such an acceptance exhibits in the wills of the governed need then not extend beyond the admission that the form or embodiment of the general principle is acceptable. Thus there is no need to suppose that the social contract generates an identity of purpose which comprehends all the purposes of each individual within the community. For political purposes all the Theory bids us hold is that the wills of the members of the community are

1. See above, p. 246.

universalised by the acceptance of the need for regulation and the acceptance of the particular form of government which is read into the conditions of the contract.¹ Thus the claim that there is an identity of will in the governed regarding the foundation of government in no way militates against the admission that there are within the community diverse and mutually incompatible aims and purposes; on the contrary, it is the recognition that there is such diversity which gives rise to the appreciation that if the need for government is to be reconciled with the demand that each individual is to remain faithful to his own conceptions, then government must be founded upon reflective compromise.

The act or attitude of consent symbolised in the contract is both an anticipation of a benefit and a concession. Each rational individual makes the concession to be bound by the will of the majority not only that he may enjoy with greater security the benefits he desires to enjoy, but also because he admits that others have a like right as he claims to enjoy. The ardour with which he seeks to realise his own conceptions is qualified by the realisation that others have an equal right to pursue their own conceptions, and that the conditions under which equal rights may be enjoyed can only be maintained by the acceptance of social regulation which confirms in each member of society the same rights. In submitting to a particular form of government no individual expects to be able to do always as he likes or always as he thinks best; he accepts

1. Or the way in which a government may be formed. That different theorists have given different conditions of agreement in no way affects this point.

the need for social regulation of different wills and different conceptions, and, accordingly, is prepared to sacrifice his own unlimited freedom, whether of conscience or otherwise, in order that such regulation may take place. While the surrender of power by the individual is conditional, while he sets limits to the extent to which he can be expected to make this surrender, and while he reserves the right to withhold his allegiance when the limitation of his powers no longer seems to him to have a moral justification - a reservation which permits him to consider his allegiance to society qualified by the demands of his own moral integrity - yet within these limits he binds himself to the acceptance of the social will. This social will has its genesis then not in a natural comprehensive identity of interest throughout the community, but in each individual's reflective acceptance of the claims of order and in his perception that these claims have the force of obligation.

In Locke's thought the dependence of government upon consent is accompanied by the tendency to claim that the nature of the ends which government should seek, the principles according to which government should be founded, and the techniques which government should use, can be determined 'a priori'. Implicit in this tendency are the assumptions that men will always have the same conceptions of natural law, natural rights and the forms of the constitution, and, consequently, that there will always be common agreement as to the proper ends and means which should engage the attention of governments. This feature in Locke's thought tends to weaken the force of the conception of the contract as the rational acceptance of the embodiment of a principle of social regulation which harmonises different

conceptions, for if there were common agreement on all points there would simply be no need for rational adjustment. That Locke is not consistent, however, can be seen in his claim that it is one of the functions of society to define rights, and to adjudicate in cases of dispute.¹ Since he admits the need both for definition and adjudication of rights, Locke concedes that there are different and conflicting conceptions of what civil rights should be, and, by implication, he concedes what his assumption that there is common agreement on the provisions of natural law denies. In this particular, Hobbes, who proceeds on the assumption that there are within the community diverse and mutually conflicting conceptions, does not weaken the force of the conception of contractual agreement by assuming an underlying identity of interest and conception.

1. 'Second Treatise etc.' sect. 87.

III.

The Theory of the Social Contract has been criticised on the following grounds. Firstly, it has been criticised as bad history. Neither anthropologists nor historians know of communal agreements by which societies were founded, and by which people agreed to submit to the demands of government. Such arguments, however, have no force against the theory in the form in which it is of interest to political philosophers, because they are not concerned to give a historical account of the genesis of social and political institutions, and do not assume that the Theory purports to give such an account. In saying that government depends upon consent, or that government is founded in an act of agreement which has similarities with the form of contractual agreement, the philosopher is not pointing ^{ING} to a dimly perceived event in antiquity, but stating an element that should obtain in the relations between governors and the governed. As a normative or ethical theory it is not to be refuted directly and simply by reference to historical evidence.

Secondly, the Theory has also been criticised on the grounds

that its requirements are not met in practice. Many people, it is claimed, do not believe that their governments rule with their consent, and even among those who accept the claims of government there are many who do not believe that the authority of their government depends upon their consent. So far from it being the case that governments rule with the consent of their governed, [that] an inspection of the relationships which exist in several communities show^s that it is an extravagant optimism to hold that all governments enjoy such acceptance. But here again, it may be replied that an appeal to what is in fact the case cannot invalidate a contention as to what should be the case. The fact that we can point to many instances where individuals cannot rationally accept the demands which government makes, and the facts that we can point to many instances where those who obey government do so from fear or out of habit, rather than from a sense of obligation, do not of themselves invalidate the contention that government only has rights over those who can rationally accept its claims. But this objection can be made in a more subtle form. It may be claimed that there are many who believe that they have obligations to support their particular governments who do not also believe that their governments govern with and only with their consent. In this form the objection maintains that the theory does not do justice to the deliverances of conscience, and as such is more difficult to refute than those which rested simply upon an appeal to the facts. As we shall note below the plausibility of this objection can be heightened by a misinterpretation of the way in which the element of consent is said to enter into a political

obligation, but we may anticipate this by reformulating the objection as follows:^{1.} there are many who believe that they have obligations to support their governments who do not also believe that the authority of their governments is dependent upon their rational acceptance of the claims of government. This being so it is incorrect to say that an obligation to obey government only arises where the claims of that government are seen to be rationally acceptable. Here it may be pointed out that what people say they believe is not necessarily the final court of appeal, for even were we to agree with Aristotle that what people ordinarily believe is the final court of appeal in morals, it might still be the case that what people, or some people, say they believe is a misconception of what they do believe. But to meet this objection the Contract Theorist must either refute the claim that his theory contradicts what people say they believe, or show that it is consistent with what they in general do believe.

That what we do commonly believe implies that the authority of a particular embodiment of government is dependent upon rational acceptance can, we suggest, be shown in the following way. The opponents of the view that it does so depend must hold that we have unconditional obligations to support a particular embodiment of government, not only in the sense that as a matter of fact there are no instances in which an individual does not have such obligations, but also in the sense that the question whether he has such obligations is one that need not concern him.

1. See below, p. 319 et seq.

Such a contention would seem to do violence to our moral thinking in these ways: even though we were to agree that as things are we ought to do what government would have us do, it does not seem to be the case that we believe that we should always do so whatever those requirements were. It does not seem to be the case that we believe that there could be no contingencies in which we would not be obliged to accept them; secondly, even if we did accept the claim that in fact we ought always to accept the social determination of our duties, we would do so, not on the basis of an intrinsic fittingness which the acceptance of such social determinations might be supposed to have, but on the basis that such acceptance was necessary to the attainment of those ends which we expect to achieve through the acceptance of the claims of social institutions. Our obligation to support a particular embodiment of government is thus a derived obligation, and since it is derived in this way, since the appropriateness of obedience is instrumental and not intrinsic, it is then possible that obedience to a government which did not achieve the ends which we expect government to achieve, would not be morally appropriate. And since it is, therefore, at least possible that it could be the case that there was no obligation to support a particular government, and that it could be the case that there was an obligation not to support a particular government, then our obligations to support particular governments are not in principle unconditional. Thirdly, if we asked someone why he thought he ought to obey his government, and he replied that he just thought that he ought always to obey his government, we should regard this reply as

inappropriate, for we should normally expect him to give reasons other than the ultimacy of political obligation. For these reasons we suggest that we do not commonly believe that we have unconditional obligations to support particular governments. If this is correct, we only have obligations to support governments whose performance is seen to satisfy the criteria which we expect governments to satisfy; that is, we only have an obligation to support the claims of government where we can accept those claims. This attitude or act of acceptance is, however, complicated by the fact that we cannot expect that everyone will have the same views as to the ends which government should pursue; and since we cannot expect that there will be common agreement by nature, as it were, then such common agreement must be supposed to be the product of reflective thinking on the need for government. The criteria by which governments are judged are not then 'individual' criteria for the ends of government, but criteria for compromising different conceptions of the ends of government. Part of what is emphasised by the Doctrine of Consent is that allegiance to a particular kind of government is conditional upon that government conforming to the principles and techniques by which the community desire to be ruled; in accordance with the demands of subjective rectitude the Doctrine also tries to establish the relation between the communal will and the individual will. Unless this latter problem is faced there is a danger of assuming that there is a natural identity of the ends of government, so that it may be assumed that if government is in accordance with a communal will it is also in accordance with every individual will of that community. Now it

is just because they did not suppose that there is such a natural identity of individual wills, and because they acknowledged that there may be diverse and mutually incompatible conceptions of what ought to be done, that the Contractualists held that a communal agreement on the forms, procedures and claims of government was the result of a reflective and creative act (or attitude) on the part of each individual. This act of rational and conditional acceptance by each individual of an embodiment of the functions of government has, as it were, two philosophical functions: it creates the general will which gives sanction to the procedures of government, and it mediates between the individual's acceptance of the claims of government and his allegiance to his own conscience.

A third objection which may be pressed against the Theory of the Contract is that the notion of a contract is unsuitable for the elucidation of the way in which consent is an element in political obligation. In discussing this objection it is important to distinguish the Theory of the Contract from the Doctrine of Consent, ^Iin case it is assumed that the Doctrine stands or falls with the Theory. This is important because certain critics, for example, Hume, seem to have assumed that because the Theory is misleading in some respects, the Doctrine is thereby wholly discredited. Similarly, Mr. Flamenatz, who criticises the theory on the assumption that the logic of consenting is similar to the logic of contracting, would dispense with the notion that consent is an essential element in political obligation, on the ground that political obligation cannot be shown to be

grounded exclusively in a contractual or quasi-contractual performance. In what follows we shall argue that there are some significant differences between one use of consenting and the general use of contracting, and suggest that although the notion of the contract distorts the way in which consent may be said to enter into political obligation, there is a use of consent which illustrates the attitude of rational acceptance which is an essential part of political obligation.

A contract is a performance; now, since a performance can be dated, to say that government depends upon contract is to suggest that the rights of government are to be considered as arising from a determinate performance by the people at a given time. In dealing with earlier objections we noted that the theory did not have to rely upon a historical event, but even if we interpret the contract as fictional on the lines that the people are to be considered as having entered into a contract, difficulties remain, for the fiction of the contract is itself misleading. To say that government is to be considered as depending upon a certain performance is to suggest that the rights of government are created by a performance of which the obligations of the governed are the consequences. Our present obligations are the consequences of what we have supposed to have done in the past. In this way our political obligations are like promises; we have them because we have entered into them. But to say that our present political obligations are dependent upon commitments into which we are supposed to have entered into in the past, is to distort

the way in which consent enters into a political obligation, for what we wish to say is not that our obligations are created by performances which are to be considered retrospectively, but that they are dependent upon attitudes which we now possess. That is, we have obligations now, not because, or as though, we have made promises, but because we rationally accept the claims which government makes. Construing consent as a performance, the fiction of the contract distorts the way in which it enters into a political obligation, for it tends to present that which is an essential condition of the existence of an obligation as that which creates the obligation. If, however, we can show that there are some forms of consenting which are not specific and determinate performances but continuous attitudes of mind, then, in saying that government depends upon consent, we shall not be committed either to saying that the rights of government are created by a quasi-contractual performance, or to assimilating the nature of a political obligation to that of keeping a promise. Alternatively, we can say that government depends upon consent not in the sense that my obligation to obey arises retrospectively from a fictional performance, but in the sense that the element of rational acceptance must be present for me to have that obligation.

The construction of the element of consent as a performance similar to that of entering into a contract is misleading in another respect. To enter into a contract requires deliberate and explicit commitment. Now to say that government depends upon consent in this way is to

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that government cannot have rights unless there is a continuous and explicit commitment by the governed to their governors. The governed must always be giving the governors permission. Now while we admit that consenting in some of its uses does involve a definite grant of permission, we wish to suggest that there are some uses in which a person may be said to consent to the action of another without it also being the case that he gives permission to the other. While consenting, in this weaker sense, involves that the person who consents identifies himself in some way with the aims and purposes of the person to whom he 'gives' consent, and while it also involves that the person who 'gives' consent makes a concession to that person, it does not require that he either actually or implicitly gives that person permission. If we are right in this, then it follows that the attitude of consent on the part of the governed is not necessarily to be construed as a continuous grant of permission by the governed to the governors. Government can be by consent without it being the case that the governed are always actually and explicitly sanctioning that to which they are said to consent. This distinction is important because in terms of the people's rational acceptance of government, it enables us to satisfy Price's demand that government should always be with the consent of the governed, without assuming that the people should always be directly and actively sanctioning the procedures of government.

These points may be clarified by examining the analysis of consent which Mr. Flamenatz gives in his 'Consent, Freedom and Obligation'.^{1.} Although he admits that different definitions may legitimately be given of the term 'consent', Mr. Flamenatz argues that the one which is most significant for the elucidation of the nature of political obligation is that which includes the element of the granting of permission,

"We have consent whenever the right of one man to act in a certain way is conditional upon another man's having expressed the wish that he should act in that way." 2.

Thus, in order that we may say that A has consented to B's doing action x, A must have given B permission to do action x, and B's right to do action x must depend upon his having received permission from A to do it.

"The expression of desire which constitutes a proper case of consent must be a real grant of permission, that is to say that it must be made with the intention of informing another or others that they have been endowed with the right to perform a certain action. So long as it is made and is known to be made with this intention, its actual form is a matter of indifference. It may consist in an oral or written statement, in a nod of the head, in a wave of the hand, or in any other convenient action. It may as we have pointed out, consist even in silence, so long as the silence is intended and known to be a grant of permission, or, in other words, a tacit consent." 3.

In support of this definition, Mr. Flamenatz argues that for it to be the case that A can be said to consent to B's doing action x, none of the following conditions taken by itself is sufficient:- (a) that

1. J.P. Flamenatz, 'Consent, Freedom and Political Obligation', Oxford, 1938.
 2. op. cit., p. 4.
 3. op. cit., p. 9. Cf. p. 18.

A wishes that B should do the action, (b) that A would be pleased if B did the action, (c) that A does not express the wish that B should not do the action, (d) that A approves of the effects of the action, or (e) that B should do the action because he knows that A wishes him to do the action. This being so, nothing less than granting another the right to act in a certain way is sufficient to constitute consent; the grant of permission need not be made explicitly, but it must at least be understood to have been made. Now, while we agree that normally we would not say that A had consented to B's doing action x, if only one of the conditions enumerated (a) to (e) above had been fulfilled, we do not agree that it would also have to be the case that A had either explicitly or implicitly granted B permission; we suggest that A could be said to have consented to B's doing action x in the following circumstances, where, it will be noted, there is no such grant of permission:- (i) where A was aware that B intended to do action x, (ii) where A approved of B's doing action x in z, and (iii) where A waived a right in z which, did he not approve of A's action, he would have been expected to exercise. That is, A may be said to have consented to B's doing action x, where he both knew and approved of B's action and where he made a concession to B to enable B to do action x, even though he at no time either explicitly or implicitly gave B permission to do action x. Mr. Flamenatz argues that neither mere approval of the action or of its effects, nor the wish that the other should perform the action, is sufficient to constitute consent. We would not say of a child, he claims, who received

a Christmas present of the kind which she had hoped for, that she had consented to receive such a present. While this is true it is not sufficient to show that consent involves a grant of permission, for it might be the case that the instance fails to be an instance of consent, not because it lacks the granting of permission, but because it lacks the attitude of concession. Since we can concede without granting permission, and since, we suggest, a conjoint attitude of approval and concession is sufficient to constitute consent, consenting does not require a grant of permission. For example, we would say that a person had consented to receive benefit y in the following circumstances;- where he was entitled to receive benefit x, where he made no attempt to press his claim to benefit y even though he was free to do so, and where he approved of the receipt of benefit y in lieu of benefit x. He could be said to consent to receive benefit y in lieu of benefit x, even though he had not given the person from whom he was entitled to receive the benefit permission to make it in form x. Now, if we are correct in this, it follows that the conjoint attitude of approval and concession is sufficient to constitute consent. It also follows that there is a use for 'consent' which does not refer either to a deliberate and explicit grant of permission or to a datable performance. There is a use for 'consent' which refers to an attitude of approval and concession.

This being so, we can see how the fiction of the contract distorts the nature of consent. For, if the element of consent which is important for political obligation is the attitude of rational acceptance which we have claimed is an essential condition of there being an obligation to support a particular government, we can see how the notion of a contract, which admittedly is that of a datable performance which involves explicit commitment, is inappropriate. It points to a performance where there is no performance. It points to an explicit commitment where there is no such commitment. And from this we can see how the Theory of the Contract which suggests that political obligation is created quasi-retrospectively by a performance of explicit commitment, distorts the Doctrine of Consent which maintains that the legitimacy of government depends upon a continuous attitude of rational acceptance in the sense that there can be no obligation to accept a particular embodiment of government unless the claims of that government are rationally acceptable. If we distinguish the logic of consenting from the logic of contracting in this way, we can see that objections which might be fatal to the Theory of the Contract are not necessarily fatal to the Doctrine of Consent.

Furthermore, by emphasising that consent does not necessarily involve explicit commitment we need not be led to suppose that the assumption that government depends upon the consent of the governed

always requires that those who consent to be ruled are always actively granting permission to their governors. If the people can be said to consent where they both approve and concede the claims of government, then there is no need to suppose that they must always be actively granting permission to their government. And if the attitude of rational acceptance, which we have urged is a 'sine qua non' for the authority of government, is fulfilled where there is the conjoint attitude of approval and concession, then there can be an obligation to support government, even where those in authority do not continually seek the permission of the governed.

By distinguishing consent as an attitude which must be present for there to be an obligation, from consent as a contractual performance which creates the obligation, we can distinguish more easily the obligation to support a particular embodiment of government from the obligation to 'institute' government in principle, and avoid assuming that the latter is dependent upon consent. For to say that political obligation is created by the act of contract is to suggest that contractual agreement is the only ground for obligation not only in the sense that there cannot be an obligation to support a particular embodiment of government without consent, but also in the sense that there cannot be an obligation to support government in principle without consent. Hume, for example, seems to have been misled by the notion

that contract creates obligations to suppose that the Contract theorists were arguing that consent was the only ground for the obligation to obey government, and not just that consent was essential for there to be an obligation to support a particular embodiment of government. This can be seen in the celebrated criticism which he has given of the Theory of the Contract,^{1.} which he formulates as follows:

"By founding government altogether on the consent of the PEOPLE, (they) suppose that there is a kind of original contract, by which the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority, with which they have, for certain purposes, voluntarily intrusted him."^{2.}

Hume admits that most governments were probably instituted by consent, and that contractual agreements then entered into were a sound foundation for the obligation to support government,^{3.} but he denies that they can be taken as a comprehensive basis for obligation in succeeding generations. Even though in the first instance "nothing but their own consent could, at first, associate them together, and subject them to any authority",^{4.} subsequent generations obeyed not because they had agreed to, nor from any

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1. 'Of the Original Contract', Works (edited by Green and Grose, 1875) Vol. III, p. 443 et seq.
 2. op. cit., p. 443.
 3. "My intention here is not to exclude the consent of the people from being one just foundation of government where it has place. It is surely the best and most sacred of any. I only pretend, that it has very seldom had place in any degree, and never almost in its full extent. And that therefore some other foundation of government must also be admitted." p. 450.
 4. op. cit., p. 445.

sense of obligation, but out of habit and from fear and necessity. Psychology confirms the truth of this, for if we examine the motives of those who render obedience, we find that people obey "more from fear and necessity, than from any idea of allegiance or of moral obligation". Hume realises that as a normative theory of obligation the Doctrine of Consent cannot be refuted merely by an appeal to psychology, and appreciates that he has to give a 'philosophical' account of the matter. He supposes that our moral duties are of two kinds: those to which men are impelled by a natural instinct or immediate propensity, which operates in them, independent^{ly} of all ideas of obligation, and those that are not supported by any instinct of nature, but performed entirely from a sense of obligation which arises when we consider the 'necessities' of human society. He includes our duties of allegiance under the latter. It is only when we reflect upon the needs and interests of men that we see that society could not be maintained without authority, and that we realise both the utility and the consequent duty of allegiance. This claim that the perception of obligation is mediated by reflection contradicts his earlier assertion that the motivation of obedience is habitual and, as such, excludes 'any idea of allegiance or of moral obligation'. It also puts his argument against the Doctrine of Consent based upon the appeal to psychology out of court, for the appeal to psychological evidence, if relevant, would be as fatal to his own view as he claimed it was fatal to the doctrine.

The admission that our perception of obligation is mediated by reflection qualifies the solipsistic version of moral judgment which we have discussed in an earlier chapter. For this reason care must be taken to distinguish the account of moral judgment, which excludes reason, from his account of moral deliberation. In this respect there is a remarkable similarity between Price and Hume. When they emphasise the incorrigibility of moral judgment, whether, as in Hume, they claim that moral statements are either irreducible psychological statements or expressions of approval, or whether, as in Price, they claim that they are the intuitions of necessary truth, they both exclude from moral judgment those elements of ratiocination and reflection which, when they consider moral deliberation apart from their epistemological preoccupations, they insist play an essential part in moral thinking.

Now since the obligation of allegiance is securely grounded in utility, and since the perception of the obligation is a product of reflection on the needs of men, Hume argues that it is misleading to claim that the obligation is grounded in consent,

"If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, because society could not otherwise subsist; And this answer is clear and intelligible to all mankind. Your answer is, because we should keep our word. But besides, that no body till trained in a philosophical system, can either comprehend or relish this answer: Besides this, I say, you find yourself embarrassed, when it is asked, why are we bound to keep our word ? Nor can you give any answer, but what would, immediately,

"without any circuit, have accounted for our obligation to allegiance." 1.

It can now be clearly seen that Hume is attacking the Doctrine of Consent on the assumption that consent is preferred as an alternative to utility as the ground of political obligation. Against this interpretation of the Doctrine he argues, quite rightly, that our having promised to agree could not be the sole ground of political obligation, as considerations of utility could in themselves be sufficient ground. But, as we have argued throughout this chapter, the significance of consent does not rest on the assumption that consent enters into political obligation in the way in which Hume claims that the Contract Theorists supposed that it did. Admittedly, the construction of consent as performance tends to mislead us, as we have outlined above, to suppose that it is the performance of the contract which creates the obligation, but this should not prevent us from realising that the Contract Theorists were not so much denying that there is an obligation to institute society and to support social institutions based upon the utility of social regulation, as emphasising that there cannot be an obligation for an individual to accept a particular form or embodiment of government unless he can accept the claims which that government makes upon his own allegiance to his own conceptions. It is not the general principle that government should be instituted that depends upon consent. Indeed, if this is what was being argued then Hume would be right in pointing out that we do not have political obligations only where

1. op. cit., p. 456.

we agree to have them. But this claim must be distinguished, as Hume does not distinguish it, from the claim that a particular embodiment of government depends upon consent, upon the individual's insight and acceptance that the claims of a particular government are justified. Implicitly, Hume concedes the basis of the Doctrine of Consent when he emphasises that the existence of the obligation presupposes the reflective discernment of the need for government.

From this starting point we may summarise the main features of the doctrine. Once we admit that there must be a perception that a criterion for allegiance is satisfied, we must suppose, if we are to justify government, that that perception is shared throughout the community. If government is to satisfy each individual's conception of what is useful, then there must be common agreement as to what is useful. Now if we could suppose that in every community there always is such a common agreement, arising as it were by nature, no further problem would remain. If government were to satisfy such a commonly accepted criterion, then each individual could accept the claims which government would make upon him. But if we cannot suppose that there will always be a natural identity in this way, we need to suppose that common agreement will be found by reason and reflection, adjustment and compromise. Where there is no natural identity, the common measure of agreement must be found in the acknowledgment of the need for accepting the embodiment of an organising principle. But since the embodiment of such a principle, -

the provision of rules and their enforcement, - meets each individual as a circumscription of his freedom to act in accordance with his own conceptions, then his own moral integrity demands that his acceptance of that government and his allegiance to his own conscience must be mediated by a reflective acceptance of the claims of that government.

IV.

Our discussion of the claims of conscience vis-a-vis the demands of law has resolved into an analysis of two theses: (a) that each individual has an obligation to accept social regulation where he sees that the exercise of the functions of government is morally beneficial, and (b) that an individual only has an obligation to support a particular embodiment of government where he sees that the general claims of that government are morally acceptable. In stating these theses we have been concerned to replace the notion that an individual has an allegiance to his own private conscience, with the notion that an individual has an allegiance to his reflective conscience, and we have been concerned to emphasise that in any social context reflective conscience must take into account the need for organising different moral conceptions. The peculiar difficulty which the Doctrine of Consent is designed to meet is that of showing how it is that an individual can accept the social definition of moral conceptions and yet still remain faithful to his own conscience; and the peculiarity of the difficulty and of the suggested solution

can be shown by stressing that the Doctrine is concerned not only with the grounds of obligation in principle, but with the purely formal relations which must subsist between individuals and government in order that the claims of government may be reconciled with the maxim of subjective rectitude.

For a particular embodiment of government to be conscientiously acceptable, it is suggested that it does not have to be the case that each individual is governed in accordance with his own private conceptions; it is sufficient if on reflection he can accept the general claims of government in the light of those functions which there is a moral need for government to perform. Price's demand that each one has a right to be governed in accordance with his conscience, when interpreted in this way, does not of itself create a presumption in favour of any particular form of government. All that this elaboration of the claims of subjective rectitude requires is that government in its embodiment should be acceptable to reflective conscience; in stating this formal principle there is no need to prophesy what forms of government will or will not seem acceptable. In this way the argument from the demands of conscience does not yield conclusive support to any particular scheme of government, to any particular distribution of political rights or to any bias in favour of either a conservative or a radical programme. There are, it is

true, other arguments in Price's armoury which create a presumption in favour of democracy and a full and equal distribution of political rights - and these we shall discuss in greater detail in a later chapter - but these arguments are not logically derived from the claim which we are now discussing, namely that government should be acceptable to conscience. Similarly, the claim that government should depend upon consent in the sense that there can be no obligation to support a particular government unless each individual can conscientiously accept the general claims of government, does not require any particular form of government. From the principle that government should be acceptable to conscience, no prediction as to what forms of government will seem acceptable can be made. Despite the inconclusiveness of the Doctrine in these respects, there are, however, certain implications which may be drawn as to the just limits of governmental practice. The elaboration of the theory depends upon the assumption that the works of government must seek justification in general terms at the bar of individual moral judgment. We have already noted the dangers of assuming that the individual judgment is immediately and Divinely inspired, but, despite the qualifications which need to be made in order to do justice to the public aspects of judgment and to the need for the social techniques of adjustment, it still remains the case that the general performance of government must be appraised and accepted by the individual.

1. Chapter VIII.

Now if it is significant to say that individual judgments are ultimate in the sense that they constitute the authority for government, they must also be ultimate in the sense that they should be independent of political determination. If government is to be the servant of the people, it must play no part in determining what its master wants. If government is to be the servant of the conscience of the community, then it must have no part to play in fashioning the content of that conscience.

When Price argues from the assumption that our consciences are Divinely and immediately inspired, he speaks as though there always is complete agreement on moral issues, and as though there always is a standard in the consciousness of the community which serves as a measure by which the works of government can be criticised. There is thus no need for government to interfere to secure unanimity, and any attempt on the part of the magistrate to foster belief is to be suspected as an attempt to corrupt opinion. His discussion of the need for candour assumes, however, not that the truth is universally known, but that it is the object of enquiry. Reason is no longer the exercise of a private intuition, but a process which gains strength from interpersonal exchange; the common will, or common measure of agreement, is no longer the fortuitous agreement of individual conceptions but a reflective and creative achievement. But although reason becomes social in this sense, discussion and debate

still remain without the care of government. For although freedom of conscience from government intervention is now no longer argued on the assumption that the standards by which men should guide their conduct are universally known, it is still argued on the ground that such freedom, with its attendant freedoms of enquiry and discussion, are indispensable means to the discovery of truth. Whether Price argues from the infallibility of conscience, or from the need for uninhibited enquiry, he rejects the claim that anyone has the right to influence belief other than by an appeal to reason. Such is his sanguine expectation that men, once freed from all political restrictions upon enquiry, will desire to seek and to be guided by the truth, and such is his deep distrust of those who exercise political power, that he rigorously excludes all pretensions of government to responsibility for the moral and religious beliefs of the community. This attitude is the basis of his treatment of the relations between Church and State, and of his conception of education. There should be no attempt to inculcate beliefs, to secure allegiance to traditional ways of thought, or to foster attitudes of mind, other than by an appeal to reason. Though the government has a responsibility to secure the conditions under which the search for truth may flourish, it has no responsibility to direct such enquiry or to grant special privileges to groups within the state for limited religious or educational purposes. Price's tendency to construe freedom as the absence of personal restrictions can be seen in his belief that all that is needed to bring

the exercise of candour to fruition is the exclusion of those who have vested interests in the limitation of free enquiry. There is no hint that society has a responsibility to provide facilities for the pursuit of knowledge and no hint that the provision of schools and universities may be a public responsibility. There is too little appreciation that conditions other than the exclusion of personal and legal restrictions need to be secured, that collective and coercive action may be needed to supply some of them, and that there may be substantial, if not complete, agreement that they should be supplied. It may well be argued that Price carries his distrust of government too far, and in doing so robs us of the valuable contributions which can be made, and it may be claimed, can only be made by political activity. His rigour proceeds, however, from the jealousy with which he guards the independence of thought, and if it may seem that he overemphasises the dangers that are to be expected from those who exercise political power, his anxiety has its source in a tender concern for the demands of moral personality, and a lively realisation that it is only where the moral thought of the community is unassailed by the powerful techniques which government can exercise in the influence of belief, that it is significant to say that government depends upon the consent of the governed.

Chapter VII.

Richard Price and Edmund Burke

The Glorious Revolution

The Dissenters based their case on an appeal to abstract principles. This Burke was not prepared to do, because it was not just a question of the right of each individual to freedom of conscience. If that were the issue, the case would be simple enough - but a question of the circumstances in which the right was claimed and the consequences of allowing it. It was necessary to consider the expediency of making concessions.

When Edmund Burke rose in the House of Commons on 2nd March, 1790, to speak on Fox's motion for the Repeal of the ^{1.} Test and Corporation Acts, his fellow members in the Whig Party and the Dissenters were surprised and disappointed to find that he was to oppose. They remembered an earlier debate in which he had lent his eloquence in support of a motion designed to relieve Dissenters from subscription to the Thirty Nine Articles, and in which he had claimed that he would always "stand up for the rights ^{2.} of conscience", and they were perplexed to find him changed at a crucial time in their fortunes. In the course of his speech Burke admitted that it was a question in which he found great difficulty, that he had preferred to remain away from the House on the two previous occasions on which the issue had been debated (Beaufoy's unsuccessful attempts to secure repeal in 1787 and 1789) and that, even though he had become less confused as to the merits of the case, he had been 'unable to satisfy himself altogether'.

1. Parliamentary History, Vol. XXVIII, pp. 387 et seq.

2. 'Speech on the Second Reading of a Bill for the Relief of Protestant Dissenters' (1773), Works, World's Classics, Vol. III, pp. 304 - 316.

The Dissenters based their case on an appeal to abstract principles. This Burke was not prepared to do, because it was not just a question of the right of each individual to freedom of conscience - if that were the issue then there could be little doubt - but a question of the circumstances in which the right was claimed and the consequences of allowing it. It was necessary to consider the advisability of making concessions to the Dissenters and of admitting them to offices of responsibility under the Crown in view of their political ambitions, and, in particular, of their declared hostility to the Church Establishment. Burke quoted extracts from the 'Letters to the Rev. Edward Burn,' in which Priestley showed his uncompromising antagonism to all Church Establishments, from catechisms distributed by Robinson and Palmer (catechisms of 'misanthropy', 'anarchy', and 'confusion'), from a speech by the Duke of Richmond, who, during the War of American Independence, had claimed that the wealth of the Church could be appropriated for purposes of State, and from Price's Sermon. Burke claimed that all these excerpts showed that the Dissenters had designs upon the Church, and, consequently, to admit them to positions of official responsibility would be to court the danger of severe attacks upon established institutions,

"Those who had compared the church of Rome to the whore of Babylon, the kirk of Scotland to a kept mistress, and the church of England to something between a prostitute and a modest woman, would probably be preaching up the same doctrines to their congregations, while the rising race of dissenters, were, perhaps imbibing those principles so pernicious in themselves, and so dangerous to the safety of the established church of this country." 1.

1. Parliamentary History, Vol. XXVIII, p. 437.

He admitted that ten years earlier he would have supported
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 the motion, that he had no desire to 'wound the individual conscience',
 and that he would have preferred to substitute for the sacramental
 tests a test which only required every holder of office (a) to declare
 that he did not believe a religious establishment to be contrary to
 the law of God, and (b) to undertake to refrain from making attacks upon
 the Established Church in any form, but he found that he could not
 support a motion which would give all Dissenters unqualified right
 of entry into high office.

There is less inconsistency in Burke's change of attitude
 towards allowing religious freedom to the Dissenters than may be
 suspected. Even in 1773, when he was concerned to advocate their
 cause, he had made reservations,

"In my opinion, sir, a magistrate, whenever he goes to put
 any restraint upon religious freedom, can only do it upon this ground,
 that the person dissenting does not dissent from the scruples of
 ill-informed conscience, but from a party ground of dissension, in
 order to raise a faction in the State. We give, with regard to rites
 and ceremonies, an indulgence to tender consciences. But if dissent
 is at all punished in any country, if at all it can be punished upon
 any pretence, it is upon a presumption, not that a man is supposed to
 differ conscientiously from the establishment, but that he resists
 truth for the sake of faction; that he abets diversity of opinions
 in religion to distract the state, and to destroy the peace of his
 country." 2.

At that time Burke had no suspicions that the Dissenters

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1. Burke voted for the relief of Dissenters from subscription to the Thirty Nine Articles in 1779.
 2. 'Speech on a Bill for the Relief of Protestant Dissenters (1773)', World's Classics, Vol. III, p. 310.

wished to raise a faction or that their interests in reform extended beyond securing religious freedom, and, consequently, he did not fear their political influence; he wished to give toleration to all Christians, and would exclude only infidels and atheists, for whom during his brief visit to Paris he had conceived a profound
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repugnance,

"The most horrid and cruel blow, that can be offered to civil society, is through atheism. Do not promote diversity; when you have it, bear it, have as many sorts of religion as you find in your country; there is a reasonable worship in them all. The others, the infidels, are outlaws of the constitution; not of this country, but of the human race. They are never, never to be supported, never to be tolerated. Under the systematic attacks of these people, I see some of the props of good government already begin to fail; I see propagated principles, which will not leave to religion even a toleration." 2.

But by 1790, anticipating fulfilments of these earlier prophecies, Burke had come to include the Dissenters among those whose political philosophy tended to the subversion of established political institutions and whom the magistrate could legitimately exclude from civic responsibilities. In the 'Appeal' he reprobates,

"the conduct of those societies in England, who, alleging no one act of tyranny or oppression, and complaining of no hostile attempt against our ancient laws, rights, and usages, are now endeavouring to work the destruction of the crown of this kingdom, and the whole of its constitution." 3.

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1. Vide: P. Magnus, 'Life of Burke', pp. 70 and 71.
 2. 'Speech on a Bill for the Relief of Protestant Dissenters', pp. 315-6.
 3. 'Appeal from the New to the Old Whigs', Works, Vol. III, p. 32.

He was displeasèd that the Dissenters had taken to political agitation to secure religious freedom, he was piqued that during the 1780's they had shown a readiness to switch their political allegiance to whatever party was more likely to grant them their civil demands,^{1.} and he hated the political programme and the political philosophy which their desire for toleration inspired. He saw that they advocated extension and redistribution of the franchise, causes against which he had conducted a life-long campaign, and that they were protagonists of popular political sovereignty, a conception which evoked in him an abhorrence exceeded only by that in which he held the appeal to abstract principles upon which the arguments for democracy were based. He suspected that the demands for complete freedom of worship and for the acknowledgment^N of popular political responsibility were preludes to attacks upon wealth and privilege, and that the high flown appeal to reason and to metaphysical principle masked schemes of spoliation. As early as 1782, he had come to the conclusion that,

"The great object of most of these reformers is to prepare the destruction of the Constitution, by disgracing and discrediting the House of Commons."^{2.}

and that these attacks were instinct with threat to all the established

1. Magnus, op. cit., p. 190.

2. 'Speech on the Reform of the Representation' (1782), Works, Vol. VI, p. 151.

institutions of Church and State. The enthusiasm with which the Dissenters greeted the opening events of the French Revolution confirmed Burke in these suspicions; in the eagerness with which they interpreted the Revolution as the fulfilment of the principles of 1688, and in their hopes that British reformers would be inspired by the French example to perfect their own constitution, he saw only the desire to repeat that experiment at home with all its promise of catastrophe.

It was unfortunate for the cause of Dissent that the demands for freedom of worship and parliamentary reform became merged in these larger issues. In Burke's mind, as in the minds of those whom fear of the French example drove into the arms of reaction, the demand for greater toleration and the extension of the franchise were identified with demands for the complete revision of social and political institutions, and since the passions which these latter claims aroused did not wait upon discrimination, the more modest demands of the more moderate reformers were denounced as the portents of extreme radicalism. When the yawning abyss was seen in the least claim for innovation there was little hope for the apostles of Candour.

Throughout the winter of 89 to 90, Burke meditated the 'Reflections'. Taken together with the 'Appeal from the New to the Old Whigs', it formed the passionate testament by which he hoped to

rouse Englishmen to a sense of danger by showing them the addleheadedness of the radicals who sympathised with the French example, and the perils of such political experimentation. The task was the more urgent because the Revolutionaries spoke a language that was particularly likely to dazzle and beguile the sympathies of the liberal-minded and to confuse loyalties to established principles. To achieve this purpose Burke had to dissociate 1688 from 1789, and to show that the political thought which inspired the latter was alien to the principles of the former and the constitutional tradition which stemmed from it. His 'Reflections' is much more than an answer to Price's 'Discourse', but it is easy to see why Burke chose the latter as a starting point for the counter-attack. Price seemed to have made all the mistakes. He seemed to share in all the enthusiasms which augured ill for the stability of British institutions. He was a devotee of abstract 'metaphysical' political thinking; he embraced natural and inalienable rights, he advocated constitutional reform, he preached, in theory at least, the doctrine of popular political responsibility, he showed hostility to the Church and could be suspected of contempt towards existing institutions, he misunderstood the significance of 1688 and presumed to congratulate the French not only on making drastic changes in their constitution, but also on perfecting the enjoyment of those liberties which in Britain were only imperfectly enjoyed. Furthermore, Price was the

idol of the Revolution Society, which had dared to send messages of congratulation to the National Assembly and to the leading figures in the Revolutionary movement. To discredit Price and to discredit the Revolution Society would be to set the pattern for revealing the pretensions of the leading prophets of radicalism.

Since the Radicals' assimilation of the events of 1789 to those of 1688 was based on the assumption that the Glorious Revolution had acknowledged the principles of popular political sovereignty and the people's right to revise the Constitution, Burke had to show that this assumption was not true. This he tried to do by showing that the Glorious Revolution was not an instance of constitutional change and that it did not create the right to make such change either in the people or in any other political authority. To substantiate this refutation of the Radicals' thesis he prepared to show that 1688 was essentially the restoration of a time-honoured constitution which admitted neither the principle of political sovereignty nor democratic responsibility. It is important to note that the term 'revolution' was not always used pejoratively in the Eighteenth Century; the changes brought about could be welcome ones, and sometimes even millennial. Further, it was not always used to connote the introduction of new forms and new principles of government. The changes indicated could consist wholly in the restoration of ancient

institutions. To this extent the doctrine of continuous progress had not yet become an established habit of mind; change could still seek its inspiration in the Golden Age. Even Price who came to accept Condorcet's conception of progress as the gradual melioration of affairs, could, on occasion, search retrospectively for the ideal, and Burke, to whom, in the main, history represented the continuous unfolding of the Divine Tactic, could imagine that Providence had already completed its work. This tendency to treat revolutions as restorations gained strength from another tendency to discuss the ideal and the normative as though there had been a time when they had been realised; this assumption gave great rhetorical force to the presentation of the demand for reform as a desire to rehabilitate the old and the original.¹ Although Burke could hardly deny that changes had been brought about by the Glorious Revolution, he tries to show that they were beneficial not because they made new departures, but because they removed 'abuses and corruption' and restored the observance of traditional principles.

"The Revolution was made to preserve our ancient, indisputable laws and liberties, and that ancient constitution of government which is our only security for law and liberty The very idea of the fabrication of a new government is enough to fill us with disgust and horror. We wished at the period of the Revolution, and do now wish, to derive all we possess as an inheritance from our forefathers. Upon that body and stock of inheritance we have taken care not to inoculate any scion alien to the nature of the

1. An example of this can be found in the custom of 'declaring' rights - the normative being treated as though it formed part of a lapsed tradition. Cf. Sir E. Barker, 'Blackstone on the British Constitution', contained in 'Essays on Government', (Second Edition), Oxford, 1951, p. 140.

"original plant. All the reformations we have hitherto made have proceeded upon the principle of reference to antiquity; and I hope, nay I am persuaded, that all those which possibly may be made hereafter, will be carefully formed upon analogical precedent, authority, and example." 1.

"What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable, fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shown that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same Lords, the same Commons, the same corporations, the same electors. The church was not impaired. Her estates, her majesty, her splendour, her orders and gradations, continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The church and the state were the same after the Revolution that they were before, but better secured in every part." 2.

Again, in the 'Appeal', Burke points out that the managers of the impeachment of Dr. Sacheverell, had maintained that the Revolution,

"was justified only upon the necessity of the case; as the only means left for the recovery of that ancient constitution, formed by the original contract of the British State; as well as for the future preservation of the same government." 3.

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1. 'Reflections', Works, Vol. II, pp. 304-5.
 2. 'Speech in the House of Commons', 9th Feb. 1790. Works, Vol. III, p. 279.
 3. 'Appeal from the New to the Old Whigs', Works, Vol. III, p. 45.

As far as constitutional innovations were concerned Burke was doubtless correct in maintaining that no substantial changes had been effected by the Revolution of 1688, although there is something disingenuous in his appeal to the managers of the impeachment of Dr. Sacheverell, for, inasmuch as they enjoyed the fruits of the Revolution, they had a vested interest in minimising the extent of the change and the wisdom of instituting further change. The Acts which set forth the Settlement, the Bill of Rights Act, 1689, the Triennial Act, 1694, and the Act of Settlement, (1701), did little more than restore the various functions of the Constitution to the rights which they enjoyed in 1660. With the exception of the provisions for excluding the Crown from raising and keeping a standing army in time of peace, for altering the tenure of judges, and for prohibiting the Crown from involving England in wars concerning territories not belonging to the English Crown without the consent of Parliament, the extent of the royal power was virtually the same as it had been at the Restoration. 1.

Thus far Burke is on good ground, but the constitutional significance of the Glorious Revolution to whig and liberal minds lay not so much in the extent to which it modified the authority of the Crown, as in the redefinition it gave to the foundation of that authority.

1. D.L. Keir, 'Constitutional History of Modern Britain', 1485-1937', London, 1946, ch. V.

The Convention which invited William and Mary to the throne, and constituted itself a Parliament, which set forth the illegalities of James and declared his flight an abdication, which entailed the succession upon the survivors of William and Mary and, failing them, upon Anne and her survivors, which excluded Roman Catholics from the throne and required the Sovereign to make a declaration against the doctrine of transubstantiation, succeeded thereby in shattering

"The idea of sacred and inalienable governmental powers, inherent in kings possessing a divine, indefeasible, hereditary title, which had lain at the basis of the Restoration monarchy." 1.

By these procedures the Revolutionary Parliament not only destroyed the conception of Divine Right, but replaced the authority of the King with the authority of the King-in-Parliament. As instanced in the Coronation Oath which William III was to swear, he should govern "according to the Statutes in Parliament agreed on",² and be subject to the law which Parliament claimed for itself the right to determine. Whether Parliament could legitimately be said to have assumed sovereignty in this way, and, particularly, whether Parliament could legitimately be said to have assumed the right to vary the form of the Constitution, was the real crux of the dispute between Burke and the Radicals.

1. Keir, *op. cit.*, p. 270.

2. 1. W. & M. Stat. 1 c. 6. Cf. M.A. Thomson, 'A Constitutional History of England, 1642 - 1801.' London, 1938, p. 176.

Unfortunately, Price's presentation of this problem is confused by the following considerations. Firstly, he conceives Parliament, though allowance must be made for the inconsistencies noted above,¹ to be the agent of the collective will of the community. He thus assumes the political sovereignty of the people. This leads him to read into the Revolutionary Settlement his own democratic preconceptions, and, thus, to give a completely inaccurate account both of the way in which the Revolution was achieved and of the significance which it was conceived to have at that time. Few critics at the beginning of the Eighteenth Century thought that the Revolution itself was the result of collective action by the people, and few thought that it established a Parliament working solely and simply as the agent of a popular will. Secondly, Price fails to distinguish the claim that Parliament had assumed the meta-constitutional function of varying the forms of the Constitution at its discretion, from the claim that Parliament had assumed all constitutional functions. This failure leads him to assume that because Parliament (in his conception, the agent of the people) has the right to vary the forms of the Constitution, it also has the right to discharge all the functions of the Constitution; not only do the people have the right to frame governments for themselves, but they also have the right to 'choose their King' and to 'cashier him for misconduct'. Further, Price does not distinguish adequately the claim that government must

1. See Ch. V.

be by consent in the sense that government only creates obligations in the governed where the governed can rationally accept the claims of government, from the claim that government must be by consent in the sense that the governed must be continuously giving explicit permission to the rulers. He thus assumes that because government must be by consent in the former sense, that it must also be by consent in the latter sense. The claim that consent is an essential condition for the justification of government is confused with the claim that the people are responsible for all the functions of government.

The principle that Parliament has the right to vary the forms of the Constitution, even if we assume that Parliament is the agent of the popular will, is not happily expressed in the phrases 'the right to choose our King' and 'the right to frame a government for ourselves'. This terminology left him wide open to misconception and attack, and Burke was not slow to deploy the misfortune to the greatest advantage. He understood by these claims not that Parliament had the meta-constitutional right to vary the forms of the constitution, but that Parliament (and through them, the people) had the right to discharge all the functions of the Constitution. He assumed that Price had claimed that the Revolution had made the monarchy elective, and found that this was easy to refute. He showed that the King's title was based in hereditary right. In the manner of Hume, he conceded that Kings may originally have owed their titles to election

but maintained that from this it cannot be argued that the titles of existing Kings depend upon election.^{1.} At the accession of William and Mary, and again at the accession of Anne, the rights of the Sovereign were declared to remain in the succession of their lines.^{2.}

Burke extends this argument to the Constitution; it is prescription, not election or choice, which is the basis of the rights of the various functions of the Constitution. The authority of the monarch and of all the functions of the Constitution is more properly conceived as an entailed inheritance than as depending upon a collective decision by the people.

"You will observe, that from Magna Charta to the Declaration of Right, it has been the uniform policy of our constitution to claim and assert our liberties, as an entailed inheritance derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom, without any reference whatever to any more general or prior right. By this means our constitution preserves a unity in so great a diversity of its parts. We have an inheritable crown; an inheritable peerage; and a House of Commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors."^{3.}

So far from it being the case that the people were acknowledged to have a right to choose their Kings or a right to frame a government for themselves, the whole of their duties was conceived to be determined for them by the force of prescription which

1. 'Reflections', Works, Vol. II, p. 289.
 2. Ibid., p. 291.
 3. Ibid., p. 306.

confirms not only the forms and institutions by which we are governed, but also the liberties, rights and usages which it is the function of government to protect. Were it the case that popular choice or election is necessary to the 'legitimacy of all government'; then neither the Monarch nor the Lords, who manifestly owe nothing to election, would have any sanction, and the whole fabric of law, being created neither by the people nor by those who owe their authority to the choice of the people, would have no legitimate claim upon us. If, therefore, we read into Price's claim that we have a right to choose our king, and that we have a right to frame a constitution for ourselves, as Burke did the interpretation that the monarchy depends upon popular election, and that Parliament acts as the agent of the people, we must admit that Burke's criticisms are conclusive. Thus construed Price can be seen to have read into the Glorious Revolution, both in what it achieved and in the manner in which it achieved it, his own democratic preconceptions. Few at the beginning of the Eighteenth Century would have understood the Convention to be acting as the declared will of the people, or as creating a Constitution in which, at each point, that will was to be the final arbiter. If, however, we discard Price's assumption that the Convention acted as the agent of the declared popular will, and that it established Parliament as an instrument of popular sovereignty, and concentrate our attention on the claim that Parliament became sovereign and had rights to vary the

forms of the Constitution, his position becomes much more plausible and much more difficult for Burke to refute. In support of this claim Price appeals to the manner in which the Revolution was conducted and the nature of the rights which both the Convention and Parliament declared Parliament to enjoy. Against Burke's criticism that the Revolution only restored the ancient constitution and all the prescriptive rights of its different functions, and that Parliament, so far from having claimed the right either to choose the King or to vary the forms of the Constitution, had in effect renounced those rights for ever, Price maintains that Parliament had explicitly claimed such responsibility. Whereas Burke cited,

"The Lords spiritual and temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities for ever; and do faithfully promise that they will stand to, maintain, and defend the said Majesties, and also the limitation of the Crown, herein specified and contained, to the utmost of their powers", 1.

Price appealed to the manner in which that measure had been passed and the significance of its acceptance,

"This Act having been passed on purpose to establish a change in the succession for misconduct, it cannot be supposed that it was intended to deprive the nation for ever of the power of making again any such change, whatever reasons appearing to the nation sufficient might occur." 2.

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1. 1 Mary, sess. 3, ch. 1. 'Reflections', Works, Vol. II, pp. 293, 294.
 2. 'Preface to the Fourth Edition of the Discourse on the Love of Our Country', p. x.

Further, Price claimed, Parliament's right to vary its own powers, of which the above mentioned Statute is an example, was explicitly confirmed by Statute; he cites,

"If any person shall by writing or printing maintain and affirm that the Kings or Queens of this realm, with and by the authority of Parliament, ARE NOT ABLE to make laws and statutes of sufficient validity to limit the Crown, and the descent, inheritance and government thereof, every such person shall be guilty of HIGH TREASON; etc." 1.

Burke had to admit that changes had been made at the time of the Revolution and that James II had been justifiably declared to have abdicated his throne, but he denied that these changes gave rise to a redefinition either of the forms of the Constitution or of the foundation of its authority. He admitted that Kings should be rebuked if they exceeded their function, though all censures should be undertaken with dignity, but he denied that into this duty could be read the doctrine of parliamentary sovereignty. He admitted that in extreme cases exceptional measures should be taken, but he counselled that the question of the responsibility for such measures should not be construed in such a way as to imply either a unique location of political sovereignty or a popular responsibility for constitutional change. Indeed, to the question as to who is responsible for such change Burke attempts to plead a 'cedit questio'. Firstly, on the grounds that no further constitutional change is

1. 'Preface to the Fourth Edition of the Discourse on the Love of Our Country', p. xi: 6th Anne c.VII.

required, and secondly, even if we envisage the need for further change, no attempt should be made to give the responsibility for making it a formal location. To ascribe such a responsibility would be to run the danger of giving to one section of the community power to establish its will over the remainder.

Burke's reasons for interpreting the Constitution in prescriptive terms go beyond the limits of constitutional theory; they embrace his general arguments for resisting reform and innovation in political and social institutions and for claiming that it is inappropriate to discuss constitutional problems in terms of a unique location of political responsibility, attitudes which we shall discuss more fully in our next chapter. Although the wisdom of interpreting the significance of the Glorious Revolution on conservative lines or on radical lines to some extent depends upon the acceptability of these attitudes, within the more restricted scope of the appeal to constitutional history a more conclusive assessment of the interpretations offered by Price and Burke can be attempted. Against the more superficial of Price's claims, in which he assumes that Parliament was the agent of the popular will, Burke is correct in criticising the vagueness with which he referred to the people and the lack of precision in his discussion of political sovereignty. He was also correct in denying that the Revolution admitted either popular political sovereignty or the ascendancy of

the Commons in Parliament. And although he misinterpreted Price's claim that the people had a right to choose their governors and to frame a government for themselves, he was correct in denying that the Revolution had made the monarchy elective and that the representatives of the people, the Commons, had acquired the right to vary the Constitution at their discretion.

But against the core of Price's position, namely, that Parliament itself, (whether or not considered as the representative of the people) had established in itself the right to vary the forms of the Constitution, his attack is less successful. Whether we appeal to the relevant Statutes or to the manner in which the Revolution was ^Eaffected, it is difficult to accept Burke's view that the Revolution consisted simply in the restoration of ancient forms and traditional authorities, and difficult to resist Price's claim that Parliament had assumed not only the right to determine laws by which the constituent functions of the Constitution would henceforth be bound, but also the right to vary the forms and the rights of those functions.

Burke's counter attack against the New Whigs, the Radicals and the Democrats, and all those who wish to modify the British Constitution is not confined to dissociating the French Revolution from 1688. He also attacks the doctrine of popular political responsibility upon which the programmes for constitutional reform are based and the kind of political philosophising which makes that doctrine seem plausible. In 'An Appeal from the New to the Old Whigs' which appeared in August, 1791, and which recapitulates the main argument of the 'Reflections' and defends his break with Fox, he states the doctrine which he undertakes to oppose,

"These new Whigs hold, that the sovereignty, whether exercised by one or many, did not only originate from the people, (a position not denied nor worth denying or assenting to,) but that in the people the same sovereignty constantly and unalienably resides; that the people may lawfully depose kings, not only for misconduct, but without any misconduct at all; that they may set up any new fashion of government for themselves, or continue without any government at their pleasure; that the people are essentially their own rule, and their will the measure of their conduct; that the tenure of magistracy is not a proper subject of contract, because magistrates have duties, but no rights; and that if a contract de facto is made with them in one age, allowing that it binds at all, it only binds those who are immediately concerned in it, but does not pass to posterity. These doctrines concerning the people (a term which they are far from accurately defining, but by which, from many circumstances, it is plain enough that they mean their own faction, if they should grow by early arming, by treachery, or violence, into the prevailing force) tend, in my opinion, to the utter subversion, not only of all government, in all

"modes, and to all stable securities to rational freedom, but to all the rules and principles of morality itself." 1.

Since Burke addresses himself to a wide range of opponents, including Fox and his followers, Priestley, Mackintosh and Thomas Paine, all of whom subscribed to some form of the doctrine of popular political responsibility, the argument either of the 'Appeal' or of the 'Reflections' cannot be considered merely as a reply to Price's 'Discourse', or merely as a criticism of the proceedings of the Revolution Society. But just because his attack is so comprehensive, it is important to distinguish those of his criticisms which are relevant to positions which the Dissenters would choose to defend, and to ask whether or not he is misled to confuse their intentions and entertain unjust suspicions of their influence.

To the doctrine of popular political responsibility in the form which it took in the appraisals which the New Whigs gave to the opening events of the French Revolution, Burke formulates three objections. Firstly, and most fundamentally, he attacks it because he understands it to assert that the main function of government is the agency of a will. Secondly, he objects because it implies the doctrine of political sovereignty; and thirdly, he objects because it attributes political responsibilities and political rights to the mass of the people.

1. op. cit., Works, Vol. III, pp. 44 and 45.

To each of these features of the radical and democratic view he opposes an antithesis; against the claim that the function of government is the agency of a will he opposes the conception that the function of government is the preservation of law; against the doctrine of political sovereignty, that there should be a single location of political authority and political power, he opposes the conception of a Constitution throughout whose several functions the exercise of authority and power is diffused; and against the doctrine of popular responsibility, defined in terms of the unrestricted assertion of the popular will, he opposes the conceptions of aristocratic trusteeship and virtual representation. In fine, on the assumption that the function of government is to ensure the realisation of pre-existent law, he argues that the best way to avoid the abuse of power lies in constitutional machinery so designed that each function serves to check the pretensions of the others, and in giving political responsibility not equally to every member of the community but to those who are equipped to the task either by the fortune of hereditary right or by the possession of property, superior abilities and virtue.

To what he conceives to be the fundamental error of the Radicals, that the function of government is the assertion of a will, he opposes the conception that government is a trust whereby those who are endowed with political power are responsible, in the last resort to the Deity, for regulating affairs in accordance with the principles of

'great, immutable, pre-existent Law'. To assert that government is merely the agency of a will is to assert arbitrariness. It is to deny the truth that,

"Neither the few nor the many have a right to act merely by their will, in any matter connected with duty, trust, engagement or obligation." 1.

it is to deny that the exercise of power is bound by the limitations and prescriptions of Divine Law; it is to assert that he who governs is in no way bound by the rights of those whom he governs, and it is to absolve government from all moral responsibility. Thus, to assert mere will is to assert an amoral, arbitrary human agency in defiance of the Divine provisions for the regulation of society which are contained in the eternal principles of Law. This antithesis which Burke reads into the contrast between his own conception of the nature of government and what he takes to be that of the Radicals and Democrats, is clearly foreshadowed in his 'Speech on the Opening of the Impeachment of Warren Hastings',

"Arbitrary Power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will; much less can one person be governed by the will of another. We are all born in subjection, - all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir....."

Law and arbitrary power are in eternal enmity. Name me a magistrate and I will name property; name me a power, and I will name

1. 'An Appeal from the New to the Old Whigs', Works, Vol. III, p. 76.

"protection. It is a contradiction in terms; it is blasphemy in religion; it is wickedness in politics, to say that any man can have arbitrary power. In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains, if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute will in the place of it is an enemy to God." 1.

This antithesis is stated again in the 'Appeal',

"I cannot too often recommend it to the serious consideration of all men, who think civil society to be within the province of moral jurisdiction, that if we owe to it any duty, it is not subject to our will. Duties are not voluntary. Duty and will are even contradictory terms. Now though civil society might be at first a voluntary act, (which in many cases it undoubtedly was,) its continuance is under a permanent, standing covenant, co-existing with the society; and it attaches upon every individual of that society, without any formal act of his own. This is warranted by the general practice, arising out of the general sense of mankind. Men without their choice derive benefits from that association; without their choice they are subjected to duties in consequence of these benefits; and without their choice they enter into a virtual obligation as binding as any that is actual. Look through the whole of life and the whole system of duties. Much the strongest moral obligations are such as were never the results of our option

Taking it for granted that I do not write to the disciples of the Parisian philosophy, I may assume, that the awful Author of our being is the Author of our place in the order of existence; and that having disposed and marshalled us by a divine tactic, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us." 2.

Applying this antithesis to the radical claim that government should be the agent of a will, he assumes that they claim that the legislative will should have unrestricted power, unlimited by moral

1. op. cit., Works, Boston Edition, 1866, Vol. IX, pp. 455-58.
 2. 'Appeal from the New to the Old Whigs', Vol. III, pp. 78-79.

considerations. He feared the foundation of such a will in society, whether exercised by a monarch, an aristocracy or a democracy, because he believed that it would result in the dissolution of the whole fabric of existing institutions, the destruction of all securities against oppression, and the sacrifice of all other wills to the tyranny of the legislative will.

Burke's thesis that the function of government is to ensure the provisions of Divine Law needs to be considered along with another thesis, - which is asserted independently, - that normative demands have already been substantially embodied in the forms of positive law and in social and political institutions. The conjoint assertion of these two theses enables him to hold that the function of government is to maintain and preserve existing determinations of positive law and present institutions. The inspiration of this doctrine of prescription is the conviction that those social and political institutions which are best fitted to secure the most beneficial and most equitable way of life, have already been created, and that the rights and duties which are the best securities to that way of life, have already been embodied. Given that our institutions have matured adequately to our need, that positive law defines the full rights and duties of the citizen, and that the constitutional devices which are necessary to the defence of those laws have been perfected, it readily follows that the functions of government are to be conceived as those of a guardian of a heritage. Where such

perfection, or near perfection, is enjoyed there is little need for creative activity. The legislator, if indeed there is any work for him to do, need be little more than a curator. Burke admits that on occasion action needs to be taken to remove the abuses of corruption and to adjust the machinery of government to the demands of a changing social context, but he claims that all such action is best understood as the conservation of that which has already been achieved. Sometimes, as in his discussion of the Glorious Revolution, he includes so much in his notion of change for the purposes of conservation that we are led to wonder how drastic a change would have to be for it to cease to be a change for the purposes of preserving traditional forms. But even this elasticity in the use of the concept shows his determination to avoid admitting the need for 'novelty' and 'innovation', and to exclude from the sphere of government all responsibility for original and creative change. By the assimilation of the antithesis between the concept of law and the notion of arbitrary will, with the antithesis between the maintenance of existing positive law and the creation of new forms, Burke identifies (a) his conception of government as the trustee for Divine Law and his conception of government as the conservor of existing positive law, and (b) the conception of government as responsible for creative change with the conception of government as the agent of an arbitrary will. The first identification allows him to define the responsibilities of government

in terms of preserving ancient and established principles and institutions. The second identification allows him to inveigh against the demands for creative change as the assertion of an arbitrary and amoral will which is inimical to the maintenance of moral standards and the security of institutions. The stick with which to beat the Radicals and the Democrats is the fear that the demand for reform involves the assertion of a will which will breed tyranny out of the denial that the exercise of political power is subject to moral limitations.

This elaboration of the antithesis between respect for law and will is unjust to the radical viewpoint as it emerges in Price's work at several points. It will have been noted that Burke's denial that government is the agency of arbitrary power and his statement that its function is to secure the principles of 'immutable law', declare the fundamentals of the liberal position which is common both to his view and to Price's. Paradox as it may seem, both agree that there are 'pre-existent' normative limitations to the exercise of political power, that the demands of the moral law curb the pretensions of the 'human' will and that the law of nature is a Divine Ordinance which binds the magistrate. In all these things Price can accept Burke's interpretation of the claims of government, and set his seal upon Burke's refutation of the claim that political legislation is the

expression of an amoral will. Both remain enemies to arbitrary power. For these reasons Burke does Price an injustice, as he does Rousseau, to suppose that he was asserting that government is the agent of the mere will of the people.

Burke falls into this error because he fails to distinguish the claim that government should be the agent of a creative will, from the claim that government should be the agent of an amoral will, a distinction to which he is blinded by his assumption that all normative demands are already embodied in positive law. Whereas Price can accept Burke's thesis that the function of government is to secure to men the rights which they have by natural law, he does not accept the thesis that the sole function of government is to guarantee the rights they have by positive law. He believes that existing positive law stands in need of amendment and consequently he ascribes to government a creative function. But this ascription, entailing as it does a responsibility for creative change, does not entail that government is the agent of an amoral, arbitrary will. On the contrary, no one could be more insistent than Price that the exercise of power is limited by the considerations of the moral law. Neither does it necessarily entail a wholesale contempt for tradition, for the belief that it is a function of government to improve where improvement is required, is consistent with a respect for those forms which already satisfy normative demands.

The admissibility of creative change makes significant questions which are put out of court by the doctrine of exclusive prescription. It becomes significant to ask who shall decide when change is desirable and what forms it shall take, and it becomes significant to ask the questions not only in relation to positive law but in relation to constitutional matters. The crucial feature of the radical-democratic view is that it includes these responsibilities in the function of government - to govern is not simply either to maintain or to preserve, but also to originate and to create. The assertion of will so far from being the assertion of an amoral, arbitrary power is the assertion of a need to remould and reformulate established practice in the light of the moral law. The legislative will becomes a creative will with power to transcend established practice and redefine imperfect laws in accordance with normative demands. Whereas Burke consistently conceived the problems of politics in the language of conservation, and was willing to pass lightly over those contingencies in which they could not be solved in terms of continuity, Price wished to face the question of change openly and to decide who was responsible for reform. Shrewdly, Burke saw that this approach called into question the foundations of political society, and ^{that it} threatened to disturb the security which uncritical acceptance gives to established practice. It is, of course, a matter of political wisdom whether it is better to discuss political problems in the language of conservation

or in the language of change, but even if we agree with Burke that it is practically wiser to place our emphasis upon the need to preserve that which is valuable in old and tried ways than upon the need for improvement, it is, nonetheless, important to assess the limitations of the usefulness of attempting to solve each problem in terms of the preservation of continuity. As the emphasis upon change is fraught with the danger of underestimating the value of that which we have, so is the emphasis upon continuity fraught with the danger of underestimating the need for imaginative and constructive change.

However this may be, Burke's reliance upon prescription leads him to underestimate the force of the Radicals' viewpoint and to give an oversimplified and inaccurate account of their purpose. They acknowledged that there was a place for creative change, and in their doctrine of will tried to allocate the responsibility for making such change; it was but a further step to place that responsibility in the hands of the people. Now, however naive the optimism with which they were prepared to entrust the collective will with this creative function, however misguided their adoption of the doctrine of political sovereignty, and however unwise their advocacy of large scale reform, the one charge that cannot be laid at the door of those Dissenters who followed Price was the desire to erect a will in society that was not bound by considerations of the moral law. Blinded by his

assumption that normative demands are already embedded in the forms of positive law, Burke supposed that all demands for change were inspired by moral irresponsibility. This supposition is grossly unjust to the Dissenters, for however much they were misled by their optimism, they were so far from desiring to relieve government from moral restrictions, that it was because they believed that the people would be more sensitive to the claims of the moral law that they wished to transfer political power into their hands.

Burke's second objection to the radical democratic thesis of popular political responsibility is that it asserts a sovereign will. He understood the Radicals to be arguing not only that it is the function of government to translate a will into practice, but that the people, or their representatives, should have unlimited power to translate that will into practice. As Priestley claimed,

"In every state, as in every single person, there ought to be but one will, and no important business should be prevented from proceeding by any opposite will." 1.

In such a claim Burke saw the quintessence of political folly. It advocated the very evil which he spent a lifetime trying to avert, for it is not too much to say that Burke was more concerned with the evils that might come from the abuse of political power than with the good

1. 'A Political Dialogue on the General Principles of Government', 1791, p. 96.

that may come from its wholesome exercise. We have already seen how his conception of trusteeship sets moral limits to the exercise of political power, and how his traditionalism narrows the functions of government. But moral and speculative limits are by themselves powerless to avert dangers. The best defence lies in the character and temper of the rulers,

"Constitute government how you please, infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depends upon them. Without them, your commonwealth is no better than a scheme upon paper; and not a living, active, effective Constitution." 1.

Since, however, no entire reliance can be placed upon the moral temper of those whose duty it is to govern, further safeguards must be taken in the machinery of the Constitution. Power must be so distributed and the limits of its exercise so defined that no one function can dominate the others; it is not sufficient that powers be variously distributed; the limits of their exercise must be precisely defined. These are the guiding principles of a mixed constitution,

"One great end undoubtedly of a mixed government like ours, composed of monarchy, and of controls, on the part of the higher people and the lower, is that the prince shall not be able to violate the laws. This is useful indeed and fundamental. But this, even at first view, is no more than a negative advantage; an armour merely defensive.

1. 'Thoughts on the Cause of the Present Discontents', Works, Vol. I, p. 332. Cf. 'Reflections', (Vol. II, p. 323). "There is no qualification for government but virtue and wisdom, actual or presumptive. Wherever they are actually found, they have, in whatever state, condition, profession, or trade, the passport of Heaven to human place and honour."

"It is therefore next in order, and equal in importance, that the discretionary powers which are necessarily vested in the monarch, whether for the execution of the laws, or for the nomination to magistracy and office, or for conducting the affairs of peace and war, or for ordering the revenue, should all be exercised upon public principles and national grounds, and not on the likings or prejudices, the intrigues or policies, of a court." 4

In criticising the Radicals Burke scores heavily in ridiculing the naive assumption that the people (or their representatives) would never use unrestricted power tyrannically, and in ridiculing the optimistic estimate of human rationality upon which this assumption is based. Price, it is true, tries to introduce whig safeguards against the abuse of power into his framework of popular sovereignty, but, as we have seen, he is not guiltless of the assumption that the people will never violate their own rights. But Burke does not make sufficient allowance for the difficulties which occupied the attention of the Radicals. His reliance upon prescription again blinds him to the force of their claim. Given that the Constitution has already reached a perfect form, there is no need to discuss who is to be responsible for making further changes, nor to determine how those who are responsible are to be given sufficient power to make the necessary changes. Even where Burke admits the need for change for the purposes of conservation he is loth to ascribe responsibility for such change. He takes refuge in the impersonal with the vagueness which characterises Price's treatment

1. 'Thoughts on the Cause of the Present Discontents', Vol. I. p. 331.

of 'the people'; this refusal to be continually discussing the desirability of reform and the responsibility and the right to improve, is deliberate because it is in the very preoccupation with the demand for change that Burke sees the seed of all disaster. He will have none of the conception that society may be recreated by political means; he sets his face against all innovation and experimentation in public affairs. The substantiation of this attitude implies that the existing Constitution provides a more beneficial and a more equitable rule than that likely to be achieved by the attempt to reform. It is at least arguable, however, that in the Eighteenth Century a Constitution allowing a wider franchise than that which Burke defended would have provided a government more sympathetic and more sensitive to the claims of the disenfranchised, without incurring the dangers of arbitrary power. As Priestley pointed out, only a government of landlords would have maintained the Game Laws.

The crucial point here, however, is not so much whether a more equitable Constitution could have been devised, but whether the ascription of political sovereignty necessary for the determination of reform carries with it the threat of dictatorship. In other words, if we admit a power sufficiently strong to effect those variations in the Constitution which are thought desirable, do we at the same time

admit a power that will dominate completely? Against Burke, it is at least arguable that political sovereignty does not entail political omniscience. It need not always be the case that those who have the power to alter the forms of the Constitution will choose to take all power into their own hands, for it might well be the case that the representation of a people with power to vary the forms of the Constitution at its discretion would be loth to concentrate all power into its own hands, and be willing to acknowledge the practical wisdom of introducing devices into the Constitution, which though they would not destroy their ultimate powers of revision, would set a curb upon hasty reform and check pretensions to absolute power.

The third objection which Burke makes to the doctrine of popular political sovereignty concerns its attribution of political responsibilities to the mass of the people; his conception of trusteeship is essentially an aristocratic one, his theory of representation virtual not actual. Those who govern exercise power on behalf of the people but not at their behest. Even in his earlier work, before the threats of the French Revolution had left him less kindly disposed to the pretensions of radical claims, he is careful in his discussion of the functions of the House of Commons to dissociate himself both from the conception that the Commons is the agent of a popular will and from the conception that the Commons should enjoy complete supremacy within

Parliament. But before we discuss in greater detail the substance of Burke's criticisms of democracy and ask whether or not there is a considerable change in the attitude which he adopted in the 1790's from that which characterised his earlier thought, it will be useful to consider his criticism of the doctrine of abstract right and his general opposition to the demands for reform. A consideration of the difficulties which Burke meets on these questions will enable us to see more clearly the strength and the weakness of his doctrine of prescription, and, consequently, will place us in a better position to assess the merits and demerits of his opposition to popular responsibility for creative change.

II.

The most devastating part of Burke's counter attack is his assault upon the kind of political philosophising which makes the doctrine of popular political responsibility seem plausible. The Radicals and the Democrats assume that the fundamental principles of morals and politics can be seen to be self-evidently true, that, on the basis of these principles, social and political systems can be constructed which are both universally and sempiternally applicable, and that it is not only morally admissible but also a matter of great moral urgency that present institutions should be revised to accord with such principles and such systems. Burke denies these things with great force; he denies that the principles of morals and politics are the objects of a rational intuition in the way in which the rationalists conceive them to be; he denies that social and political systems can be constructed 'a priori'; and he denies that present institutions should be immediately revised to meet the recommendations of abstract speculation. According to Burke the fallacy which infests the thought of the Radicals and which gives rise to these misleading doctrines is the assumption that moral and political truths are of the same nature as the truths of mathematics and logic, and that they can be demonstrated in the same way. The Cartesians assume that any body of knowledge can

be shown to be reducible by rigorous deductive procedures to a relatively few basic general principles which are seen to be self-evidently true. From such basic principles, intuited by the 'light of reason', systems can be constructed which are universally and sempiternally applicable and which comprehend within them all particular truths. The application of this methodology to the problems of morals and politics is made on the assumption that the data of morals and politics are susceptible to the same kind of elucidation which proves successful in mathematics and logic; hence the self-evident principles of natural law and natural right.

Burke objects to the application of this methodology to morals and politics because he denies that the study of human affairs admits of the precision which is attainable in mathematics and logic,

"Nothing universal can be rationally affirmed on any moral or any political subject. Pure metaphysical abstraction does not belong to these matters. The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. Prudence is not only the first in the rank of the virtues political and moral, but she is the director, the regulator, the standard of them all. Metaphysics cannot live without definition; but prudence is cautious how she defines." 1.

This quotation is from the 'Appeal from the New to the Old Whigs', published in 1791, but it is characteristic of the attitude

1. op. cit., Works, Vol. III, p. 16.

which Burke adopted throughout his life. In 1770, in 'Thoughts on the Cause of the Present Discontents', he writes,

"No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition. But, though no man can draw a stroke between the confines of day and night, yet light and darkness are upon the whole tolerably distinguishable." 1.

In criticism Burke emphasises that the principles of political judgment are not capable of universal application without qualification, and that they cannot be validated 'a priori'. At best the generalisations which are of use to the statesman are tentative generalisations drawn from practical experience and the contemplation of history. They serve not as the exclusive basis of judgment but as guides in the particular circumstances in which they are employed. In each instance their application is modified by the nature of the particular situation,

"Circumstances give in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind." 2.

According to Burke practical judgment does not consist in the subsumption of a particular instance under a general principle, but in

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1. 'Thoughts on the Cause of the Present Discontents', Works, Vol. I. pp. 336, 337. Cf. "The rules and definitions of prudence can rarely be exact; never universal." "Letters on a Regicide Peace", Works, Vol. V. p. 158.
 2. 'Reflections', Works, Vol. II. p. 282.

the adaptation of a general principle, or a complex of general principles, to a particular instance. The differentiating force of circumstances precludes the unqualified application of the maxims of political wisdom. The individuality of each new situation excludes the mere appeal to generalisation. We cannot, therefore, adjudicate in moral and political questions simply by an appeal to pre-conceived notions, nor can we hold that there is one set of rights and duties, or one system of social and political institutions which should be applied universally. But Burke does not only claim that the maxims of political wisdom are modified by particular experience; he also claims that they are the outcome of meditation upon practical experience, and are to be validated by an appeal to experience. They are not, therefore, to be considered as intuitions of self-evident truths, or as discoverable by the analysis of the concepts used in moral and political discourse. The rationalists erred because they assumed that reason can, apart from the appeal to experience, furnish a complete set of principles which are of universal application, and by this error they were led into the greater error of assuming that existing social and political institutions should be revised in accordance with such principles. They thus committed themselves to two forms of the intellectualist or rationalist fallacy; that of assuming that reason can out of its own resources fashion the principles of practical wisdom, and that of assuming that men are willing to make, and ^{ARE} capable of making, immediate adjustments to the demands of reason.

"The science of constructing a commonwealth, or renovating it, or reforming it, is like every other experimental science, not to be taught 'a priori'. Nor is it a short experience that can instruct us in that practical science; because the real effects of moral causes are not always immediate; but that which in the first instance is prejudicial may be excellent in its remoter operation; and its excellence may arise even from the ill effects it produces in the beginning The science of government being therefore so practical in itself, and intended for such practical purposes, a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be, it is with infinite caution than any man ought to venture upon pulling down an edifice, which has answered in any tolerable degree for ages the common purposes of society, or on building it up again, without having models and patterns of approved utility before his eyes." 1.

When Burke himself discusses the nature of judgment in political matters he emphasises that it is a practical judgment. Politics he sees as an art whose central feature is not the application of general theoretical principles but the exercise and development of techniques which are mastered by commitment and practice in the business of governing. Principles a statesman must have, but these principles are not derived simply by meditation upon fundamental concepts; they are the embodiments of a practical wisdom that comes by reflection upon pre-experience. Such principles do not ^{pre-}determine the solutions of problems but serve as guides to the direction in which solutions may be sought. Burke has little respect for the claims of abstract speculation and theorising, yet, although his treatment sometimes smacks of anti-intellectualism and though he speaks with scorn of the 'metaphysical' approach to political problems, he does not commend a form of

1. 'Reflections', Works, Vol. II, pp. 333, 334.

irrationalism. Whenever he attacks reason it is the 'reason' of the rationalists and the metaphysicians which he attacks, but he does not thereby deny that reflective judgment has any place in political decision,

"I never govern myself, no rational man ever did govern himself, by abstractions and universals. I do not put abstract ideas wholly out of any question, because I well know that under that name I should dismiss principles; and that without the guide and light of sound, well-understood principles, all reasonings in politics, as in everything else, would only be a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion. A statesman differs from a professor in an university; the latter has only the general view of society; the former, the statesman, has a number of circumstances to combine with those general ideas, and to take into consideration. Circumstances are infinite, are infinitely combined; are variable and transient; he who does not take them into consideration is not erroneous, but stark mad -- dat operam ut cum ratione insaniat, -- he is metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and, judging contrary to the exigencies of the moment, he may ruin his country for ever." 1.

In place of the 'reason' of the metaphysicians and the rationalists he places a reflective or meditative judgment which takes into account the nature of present circumstances and past experience. 2. Similarly, when he attacks speculation he does not intend his attack to extend to all forms of theorising. In his 'Letter to the Sheriffs at Bristol' he affirms,

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1. 'Speech on the Petition of the Unitarians', May 11th, 1792, Works, Vol. VI. pp. 113-114.
 2. Vide: some account of his treatment of prejudice, below p. 394 et seq.

"That I never ventured to put your solid interest on speculative grounds." 1.

but in this context the attack upon speculation is restricted to an attack upon the assumption that political decision can be validated without reference either to experience or to circumstance. He does not maintain that theorising has no part to play in political judgment. He sees that the statesman must have some conception of the ends which he is to serve, some conception of the significance of the history of the institutions and the society for which he prescribes, some conception of human nature, its strength and weaknesses, and some evaluation of the aims which should dominate the attention of government. What he denies is that the vast practical knowledge which the statesman must have if he is to function efficiently, can be contained within a deductive system derived from a limited number of general principles,

"I do not vilify theory and speculation, no, because that would be to vilify reason itself..... No; whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men -- does it suit his nature in general? -- does it suit his nature as modified by his habits?" 2.

In addition to being anti-rational, and anti-theoretical, Burke also claims to be anti-metaphysical. But here again, as in his

1. *op. cit.*, Works, Vol. II. p. 25.

2. 'Speech on the Representation of the Commons in Parliament' (1782), Works, Vol. VI. p. 148.

attack upon 'reason' and abstract speculation, his intention must be understood in terms of the theories with which he was concerned. His notion of metaphysics takes colour from the claims of the rationalists; in his denunciation of metaphysical thinking in political matters he is primarily concerned to refute the claim that reason or rational intuition can apart from all experience discern the essential form of social and political institutions. But although he denies that we can establish such systems entirely upon assumptions which cannot be validated experientially, he does not exclude the need to rely upon such assumptions. If it is legitimate to term those assumptions concerning the course of history and Divine intervention in human affairs metaphysical assumptions, then it is clear that Burke relies, and expects his statesman to rely, upon principles which are not capable of direct experiential validation. As we shall see when we examine the basis of his doctrine of prescription, assumptions of this kind are woven into his interpretation of the significance of the past.

In his discussion of the content of practical judgment Burke gives a utilitarian account of the ends of government;

"Government is a contrivance of human wisdom to provide for human wants." 1.

but his version of utilitarianism is not that of Bentham. Political practical judgment does not reduce to calculation; it is more properly

1. 'Reflections', Works, Vol. II, p. 333.

conceived in terms of an insight which cannot be formulated in arithmetical terms. To acquire this insight into how the good of the community may be maintained, the statesman needs to acquire a profound knowledge of the way of life of those whom he is called upon to govern and to develop the capacity for political management,

"The object of the state is (as far as may be) the happiness of the whole. Whatever makes multitudes of men utterly miserable can never answer that object; indeed it contradicts it wholly and entirely; and the happiness or misery of mankind, estimated by their feelings and sentiments, and not by any theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people. This naturally and necessarily conducts us to the peculiar and characteristic situation of a people, and to a knowledge of their opinions, prejudices, habits and all the circumstances that diversify and colour life. The first question that a good statesman would ask himself, therefore, would be, how and in what circumstances do you find society, and to act upon them." 1.

"Nations are not primarily ruled by laws; less by violence. Whatever original energy may be supposed either in force or regulation, the operation of both is, in truth, merely instrumental. Nations are governed by the same methods, and on the same principles, by which an individual without authority is often able to govern those who are his equals or his superiors; by a knowledge of their temper, and by a judicious management of it;.....

The temper of the people amongst whom he presides ought therefore to be the first study of a statesman." 2.

Of particular concern to the statesman is the study of history. He needs to understand how social institutions have developed and how they have been moulded to suit man's nature and his needs. By studying the process of this development he will come to understand in what ways

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1. 'Speech on the Petition of the Unitarians', Works, Vol. VI. pp. 116-7.
 2. 'Thoughts on the Cause of the Present Discontents', Works, Vol. I. p. 307.

political activity can be beneficial, but, more particularly, he will come to understand the limitations of such activity. Burke based his objections to the Radicals' enthusiasm for change upon conclusions about the nature of social development which he believed that a careful study of history could not fail to impress.

Firstly, the complex of social and political institutions and their interdependence is the product of a slow and gradual process of growth. It is not the artefact or fabrication of a moment. The various institutions of society have an organic interdependence, and this interdependence subsists through time. Its stability is founded in our habitual dispositions, in our emotional attachments and in our loyalties. These, as they are slow to die, are slow to grow. Therefore, the statesman who would make changes must always bear in mind that he deals not with a construction which can be dissolved into its component parts and reassembled readily in a new form, but with an organism which cannot endure successions of drastic surgical operations. To remove the objects of our emotional attachments suddenly, to try to change our loyalties at one stroke, to break the cake of custom is to run the danger of destroying the strongest forces of social cohesion and social discipline that we have. It is particularly dangerous to change in the hope that we may establish systems which, formally, seem more equitable, without ensuring that the violence of the change will

not work misfortunes greater than those from which we already suffer.

Secondly, the process of social development is an inspired growth. By the continuous reciprocal adaptation of man's nature and his environment, social institutions have been fashioned to suit his need. When we come to examine these institutions we find that they have reached a form far superior to that which we could at any one time devise; the vast complexity of social institutions, the product of continuous adaptation, shows an ingenuity and a subtlety which far exceeds man's immediate powers of invention; we find that we have been authors of projects greater than our intentions. Burke does not, however, rest content with stating that social development through the broad spans of history shows greater practical wisdom than may be found in blueprints. It is not fortuitous that this should be so, for the study of history reveals the hand of Divine Providence. The discipline of nature whereby man is moulded to society, and society is fashioned to human need, is part of a Divine Tactic. Burke thus sees history not as Hume and Gibbon saw it, as a chronicle of evil and a catalogue of crime, nor as Condorcet and the Encyclopaedists saw it, as a record of man's subjugation to error and superstition from which he can only be rescued by the exercise of his own reason, nor as Rousseau and Price saw it, as a record of man's slavery to a tyranny of evil from which he can only be released by a moral regeneration, but as a record of the way in

which man's nature and the institutions by which he lives have been adapted, under the supervision of the Deity and by a process of slow and gradual change, to secure his fulfilment. History is not then to be contemned, nor are its achievements to be discarded lightly; in face of the awful and inspiring spectacle which it presents we should be cautious of presuming to offer criticisms from our own individual stocks of reason,

"A Nation is not an idea only of local extent, and individual momentary aggregation, but it is an idea of continuity, which extends in time as well as in numbers and in space. And this is a choice not of one day, or of one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and generations; it is a Constitution made by what is ten thousand times better than choice; it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment, which accommodates itself to the body. Nor is a prescription of government founded on blind, unmeaning prejudices -- for man is a most unwise and a most wise being. The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species, it always acts right." / U

Thirdly, it is important to note that Burke holds that this teleological process, discoverable in history, is not confined to externals; when he speaks of the operations of the disciplines of nature he refers not only to the adaptation of social and political institutions, but also to the adaptation of human nature. Human personality, its dispositions, its modes of behaviour, its affections, its beliefs are all subject to

1. 'Speech on the Representation of the Commons in Parliament', May, 1782, Works, Vol. VI. pp. 146, 147.

the laws of organic development, and all political action which will affect it should take into account its particular stage of development and its dependence upon environment.

These considerations form the basis of Burke's criticism of the Radicals' demand for change. Reform should never be undertaken on the principles of abstract right alone; it must always be tempered with a very lively realisation of the difficulties and the dangers of securing improvement. This is especially important in constitutional matters,

"Here, both in the power given, and its limitations, we have always cautiously felt our way. The parts of our constitution have gradually, and almost insensibly, in a long course of time, accommodated themselves to each other, and to their common, as well as to their separate, purposes. But this adaptation of contending parts, as it has not been in ours, so it can never be in yours, or in any country, the effect of a single instantaneous regulation, and no sound heads could ever think of doing it in that manner." 1.

It is ill considered to tamper with the delicate fabric of a constitution "not struck out at an heat by a set of presumptuous men, like an assembly of pettifoggers run mad in Paris", but which is the result of the "thoughts of many minds, in many ages." 2. The importance of continuity thus forms the dominant theme in his criticism; the study of history and the study of human nature shows that the maintenance of the welfare of the community largely depends upon the

1. 'Letter to a Member of the National Assembly', Works, Vol. II. p. 554.
 2. 'Appeal from the New to the Old Whigs', Works, Vol. III. p. 111.

maintenance of established institutions. To govern wisely is to conserve. In the work of his later years this emphasis upon continuity becomes more pronounced. Whereas in his earlier work prescription tends to be understood in terms of expediency, in his later work expediency tends to be understood in terms of prescription. For example, as we have seen in our discussion of his attitude to the American Revolution, his counsel at that time was that considerations of expediency should be allowed to dominate. It is supreme folly to stand upon the ceremony of juristic and philosophical principles when they conflict with the welfare of the interested parties. Sound policy is to be understood in terms of what conduces to the good of both communities, and all other considerations should be subordinated to that end. In determining welfare the demands of prescription played a large but not an exclusive part. In his later work, however, especially in his attitude towards the French Revolution, the emphasis placed upon prescription becomes so strong that it becomes the sole and exclusive determinant of the expedient. Prescription becomes "the most solid of all titles, not only to property, but, which is to secure that property, to government". 1.

This change in emphasis is important because in the process by which Burke's conservatism becomes more rigid and uncompromising, he introduces elements into his own political philosophy which are alien to

1. 'Speech on the Representation of the Commons in Parliament', (1782), Works, Vol. VI. p. 146.

his own professed hostility to 'metaphysical' thinking, and because he introduces into his criticisms of the Radicals, assumptions which violate his own account of practical judgment. His uncompromising assertion of the dominance of prescription, especially in constitutional matters, flies in the face of the admirable warnings which he himself has given against allowing practical judgment to be predetermined by abstract principles which cannot be validated experientially.

On what we have taken to be Burke's main ground we should have expected him to argue that the statesman should always be bound by expediency, and that in his practical judgment he should always defer to the peculiar claims of the historical and social context of each particular problem. In matters of constitutional reform, we should have expected him to argue that the statesman should pay great attention to the social and historical context of the proposed changes, to the principle that all change is dangerous unless its consequences are palpably beneficial, and to the need for introducing desired changes gradually, but we should not have expected him to argue that the statesman should always avoid change.

The principle that no change can be desirable should be objectionable to him for three reasons; firstly, it is a principle which cannot be validated experientially. Even if the statesman could persuade himself that all past changes had been undesirable, he could

not argue from this conviction that no future changes could be desirable. Burke, however, holds, not that all past changes have been undesirable, but that the vast majority of them have been exceedingly desirable, and so much so that the Constitution has in consequence achieved a near perfect form. Paradoxically, Burke's eulogistic treatment of the processes of historical development and his discovery of the Divine Tactic in the processes of social adaptation imply the contrary of the principle that no change is desirable. If all the changes that have occurred have been desirable due to the supervision of Providence, cannot we also assume that all the changes that will occur will also be subject to the same beneficent control ?

Secondly, the principle should be objectionable because it is stated as a universal principle. As we have seen above deference to the force of circumstance should, according to Burke, preclude our prejudging or predicting political decisions on the ground of abstract principle. We should then have expected Burke to have confined his arguments for the undesirability of constitutional reform in the closing decades of the Eighteenth Century, to the practical undesirability of acknowledging equal political rights in that context. We should not have expected him to base those arguments on an appeal to a universal principle.

Thirdly, the principle that no change is desirable should be objectionable to Burke not only because it is a universal principle

which cannot be validated experientially, but also because it relies upon those kinds of metaphysical assumptions which, he professes strenuously, should have no part to play in political thinking. The validation of his claim that no further constitutional change was needed in the Eighteenth Century would require some curious assumptions regarding the operation of those teleological forces which Burke reads into the development of history. The argument that the British Constitution had then reached the apogee of perfection implies that the discipline of nature and the divine tactic had at that point completed the work they were designed to fulfil, that they had exhausted their creative function, and that they were now needed only to preserve what they had achieved. But what kind of assumptions are these, and on what basis are they made? How do we know that there is a discipline of nature, or a divine tactic? How do we know that these teleological forces are operative for certain stretches of time and not for others? How do we know when Providence ceases to create?

These questions show that Burke himself relies upon the kind of metaphysical thinking which in the Radicals he is at considerable pains to reprobate. Of course, if his assumptions concerning the operations of teleological forces in the Eighteenth Century were valid, then his argument would completely refute their claims; the Constitution as it then stood would for all time deserve our unquestioning approval and the claims of the Democrats could be dismissed as finally as Burke

wished them to be dismissed. But this would be to refute the Democrats by metaphysical argument. It would be to replace one metaphysic by another. It would be to refute Price 'a priori'.

But if we apply to Burke's own reliance upon metaphysical assumptions his own criticism of metaphysical argument, and consider the problem of change solely in terms of expediency, we see that the force of his hostility to the demands for change is considerably reduced. If we ignore the metaphysical defence of prescription, we see that the question of the desirability of reform becomes, at least, an open one. This is not to gainsay his valuable warnings of the dangers of sudden and comprehensive change and of the follies of proceeding upon a speculative basis without due attention to the force of circumstance. Nor is it to deny the value of prescription; but it does exclude all attempts to predetermine our judgment of what is required in any given context without reference to the particular nature of that context. The exclusion of the biasses which Burke derives from his theistic metaphysics is important, not only because it excludes what, if it were acceptable, would be an unanswerable argument against reform, but also because it leaves open questions which are of great importance to the Radicals and Democrats. In the first place, the exclusion of the doctrine of prescription and the reliance upon expediency, on Burke's own ground, make it possible to understand the work of the statesman and the legislator as creative work.

Government is not simply the maintenance of established institutions and traditional customs, but the adjustment in the light of changing contexts of the forms of government. That which is expedient is not necessarily predetermined by that which has been found to be expedient in the past; the possibility of imaginative and constructive change is not excluded. In the second place, once the possibility of creative change is admitted, then it becomes significant to ask who is responsible for deciding when such change is desirable and what forms it should take. It becomes possible to consider government as the agency of a will in the sense in which we considered it in the first section of this chapter. And granted this core of the radical position, it becomes possible to consider what part the will of the people or what part public opinion should play in such creative change.

The confusion in Burke's discussion of expediency and prescription is paralleled by a similar confusion in his treatment of the nature of practical judgment. We have already seen that his attack upon the 'reason' of the rationalists and metaphysicians is not sufficient ground to accuse him of irrationalism. The denial that reason in practical judgment is to be construed as deduction from allegedly self-evident principles whose truth is immediately intuited does not entail that practical judgment is not reflective. But some of the things which Burke has to say of the nature of political judgment suggest that his account of rationality is confused. We should have expected him

to say that all our mature practical judgments are based upon adequate reasons, practical maxims formulated after reflection upon experience, but this does not, according to Burke, always seem to be the case. There are occasions when we experience predispositions to act in one way rather than another without being able to give sufficient reasons why we should prefer the one which we are inclined to prefer. We have intuitions which we cannot support by rational argument. These natural inclinations or biasses of the mind, these communings which do not bear the evidence by which their validity may be attested, should be treasured,

"You see, Sir, that in this enlightened age I am bold enough to confess, that we are generally men of untaught feelings; that instead of casting away all our old prejudices, we cherish them to a very considerable degree, and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages. Many of our men of speculation, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them. If they find what they seek, and they seldom fail, they think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice, and to leave nothing but the naked reason; because prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence. Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave a man hesitating in the moment of decision, sceptical, puzzled, and unresolved. Prejudice renders a man's virtue his habit; and not a series of unconnected acts." 1.

1. 'Reflections', Works, Vol.II. p. 359.

We have seen earlier that the discipline of nature is not confined to externals, but permeates the whole of our personality. As our institutions have been modified to our needs, so has the whole pattern of our behaviour. This is true of our affections and emotions, our dispositions and our beliefs. Reverence is due not simply to the forms which our institutions have taken, but also to the cast of our mental dispositions. There is a kind of prescription of the mind.

The question arises as to what attitude we should take towards our own prejudices and predispositions. Can we always rely upon them? Do we ever need to criticise them? It might be the case that all that Burke is suggesting is that we owe a respect to our native beliefs, and that we should not reject lightly propensities to action which do ^{Not} bear evidence for their own justification. Price is quick to claim that beliefs and propensities to action which are not attended by testimony of their own validity, or which cannot be clearly and distinctly seen to be true, are to be suspected as the intrusions or sophistications of self-interest. Burke counsels us to be wary; our natural dispositions, our instincts are not necessarily those of a fallen nature; some of them may be, but some of them are inspired by the Deity for our own preservation and welfare. Therefore, when we are prompted to act in accordance with a belief for which there does not seem to be sufficient evidence, we should be cautious before we reject such promptings. The practically wise man will see in his immediate

intuitions, the counsellings of a beneficent nature which does not always desire to explain or to justify itself. Burke does not, however, confine himself to saying that we should treat our prejudices with respect; at times he seems to suggest that we should defer to them completely and refrain from submitting them to rational criticism,

"This policy appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it....."

"Through the same plan of a conformity to nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts, to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small benefits, from considering our liberties in the light of an inheritance. Always acting as if in the presence of our canonised forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with an awful gravity. The idea of a liberal descent inspires us with a sense of habitual native dignity, which prevents that upstart insolence almost inevitably adhering to and disgracing those who are the first acquirers of any distinction....."

"All your sophisters cannot produce any thing better adapted to preserve a rational and manly freedom than the course that we have pursued, who have chosen our nature rather than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges." 1.

The parallel with the principle of no change in constitutional matters becomes evident. Just as we should abide by the discipline of nature in the institutional world because nature has already perfected our institutions, so should we abide by nature in the world of belief because nature has already moulded in the forms of excellence the immediate, habitual and instinctive deliverances of her wisdom.

1. 'Reflections', Works, Vol. II. pp. 307, 308.

Just as we should not presume to reform society, so should we not presume to offer from our own private reflections criticisms of the wisdom which nature provides. The upshot of this tendency is the claim that we need to criticise neither our institutions nor our instinctive beliefs. All that we have to do is to accept them.

At his most conservative, Burke denies to the individuals of the present (his) generation, the duties and responsibilities which he ascribed to former generations. Whereas they were the agents of a teleological process, and as such were required to exercise their own individual judgment and to make creative decisions, the members of the present generation, the teleological process now complete, have only to rely upon the decisions of nature. This is, of course, something of a caricature of Burke at his most conservative, and, if unduly pressed, does injustice to the main cast of his thought, but, nonetheless, it serves to illustrate a tendency which he has to write away the individual's responsibility to criticise his institutions and to criticise the intuitive basis of his thought and beliefs. Curiously enough this tendency has the same consequence as the Cartesian account of the nature of intuition in moral thinking. As we have noted earlier, the implication of Price's adoption of Cartesian intuition in morals and the consequent assumption that our moral judgments are infallible, is that the individual is exempted from the responsibility to criticise the intuitive basis of his own thought. He can merely accept his moral intuitions. Similarly with Burke; we do not need to question our

prejudices. We should accept them with the same reverential awe as we should accept our institutions. But Burke carries this tendency further than the rationalists did. To the extent to which he follows the Cartesian methodology in morals, Price assumes that the fundamental moral principles are self-evident and that our intuition of them is incorrigible. Similarly, he holds that the guiding principles of political decision are known to us in the same way. But he does not hold that the same incorrigibility attaches to the social formulation of our rights and duties. According to Price these social formulations - being the product of another 'human' will - are corrigible and need constantly to be revised in the light of the ultimate standard of our moral consciousness. This fallibility is implied in the conventional nature of civil society; it is this liability to error which necessitates communal agreement in the acceptance of the embodiment of government. If it were the case that the social formulation of our duties was always what it should be, then there would be no need to found government in the consent of the people. The people would have a duty to accept such formulations immediately, and there would be no point in raising the question as to whether such acceptance is ever modified by possible conflicts between such social formulations and the conscience of the individual. It is the same liability to error in the social formulation of our rights and duties which gives significance to the political responsibility of the people, to the conception that each one has a

responsibility to criticise the laws and do his utmost to secure just government. Burke, however, seems to hold that the social formulation of our rights and duties is, of necessity, satisfactory; he speaks as a Cartesian might speak of the way in which we can assume that the general principles of morality and government are known to us,

"We know that we have made no discoveries, and we think that no discoveries are to be made, in morality; nor many in the great principles of government, nor in the ideas of liberty, which were understood long before we were born, altogether as well as they will be after the grave has heaped its mould upon our presumption, and the silent tomb shall have imposed its law on our pert loquacity. In England we have not yet been completely embowelled of our natural entrails; we still feel within us, and we cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals." 1.

But in addition to holding that no improvement is to be expected in our knowledge of moral and political principles, he also holds that no improvement is to be expected in their social formulation. We know the duties of our station, and this knowledge is communicated to us in a way that precludes the need to criticise,

"The awful Author of our being is the Author of our place in the order of existence; and that having disposed and marshalled us by a divine tactic, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us." 2.

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1. 'Reflections', Works, Vol. II. p. 358.
 2. 'Appeal from the New to the Old Whigs', Works, Vol. III. p. 79.

Not only does he claim that we have certain knowledge of moral and political principles and certain knowledge of our particular rights and duties, but also that the social context in which we find ourselves completely articulates and defines those rights and duties. The force of history, mediating the intentions of a Divine Providence, is such that it continuously reconciles the normative to the actual. The ideal is realised in the here and now. The social context, including all our institutions, is what it should be, and our function in that context is conveyed to us by the promptings of prejudice. This reliance upon history and upon the workings of Providence absolves the individual from all responsibility to modify his institutions in the light of rational criticism, as it absolves him from all responsibility to criticise his prejudices. Since the inspiration of our intuitions is a mystery beyond the comprehension of reason or rational insight, it would be folly to question and to criticise. To substantiate this, Burke appeals to the objectivity of the notion of duty itself, but in doing so he tends to confuse the objectivity in the general notion of duty with the objectivity of moral judgments (or rather, with the objectivity of moral prejudices). He tends to argue, as may be seen in a passage which we have already quoted from the 'Appeal',¹ that since a duty is something that commands and opposes an objective necessity to the will, that the formulation of a duty commands in a like manner. He is, of course, right in saying that we cannot choose to have duties;

1. See above, p. 363.

it is not the case that our duties are constituted by our acts of choice, nor is it the case that we have duties because we choose to have them. But although we do not choose our duties, we do formulate them. The nature of our duties depends on us, not in the sense that we choose whether or not we shall have them, but in the sense that what will appear to us to be duties will depend upon the maturity of our moral sensibilities. Our duties we apprehend through our creative understanding, but the depth of this understanding can vary. By taking thought and by exercising the imagination we can educate and enliven our consciences; we can also neglect them and allow them to atrophy. From this variability in our moral understanding arise the subsidiary or secondary moral obligations which we have noted in Chapter VI. ^{It is} So far from ~~■~~ being the case that we ought to accept uncritically our prejudices and the immediate deliverances of our consciences that we ought always to submit those deliverances to the tests of reason.

In so far as Price is a Cartesian, he would agree that some of the moral judgments which we are disposed to make are incorrigible; he would also argue that some of the prescriptions of political judgment are ideal in character - the principles of natural right - but he would not hold that the existing social formulations of these rights are always ideal in character. Although he holds that we know our rights and duties, civil and political, he does not hold that they are instantiated in existing social and political institutions, for since such

institutions are the provenance of human agency they are subject to human corruption. At times Burke would seem to argue that we are ultimately preserved from such corruption by the dispositions of Nature and Providence.

But since Burke is not consistent in maintaining these various accounts of the nature of prescription and prejudice, and since he does not write with these conflicting considerations in mind, it would be invidious to press the ambiguities against the general tenour of his argument. The importance of noting the divergences from the main account which he gives of the doctrine of expediency is that the difficulties which meet the extreme emphasis which he places upon prescription and prejudice qualify the value of his criticism of the Radicals' attitude to reform. It was precisely because the Radicals felt that the course of history did not necessarily show the continuous modification of social and political institutions to accord with normative demands, that they raised the questions of creative reform and of the responsibility for such changes; and it was because they felt that the sentiments of allegiance to traditional and well established institutions could hamper rather than maintain the course of justice, that they wished to criticise the instinctive and prejudicial basis of political judgment. It was their profound dissatisfaction with things as they were that prompted them to discuss the foundations of civil and political society and to raise the difficult and dangerous questions which can only be ignored

if we assume that we should rest content with the existing state of affairs. Satisfied that both history and nature should be criticised in terms of reason, they had to face the question as to whose rational judgment was to be the final arbiter, and, as we shall see below, they placed this trust in the rational activity of the people as a whole. Burke could not follow them in this, but on the substantial question as to whether rational judgment should dominate the political scene he shares common ground with them. As we have seen his main thesis is to place before our consideration the nature of the practical judgment of the statesman. This, in the main, is a reflective and a rational practical judgment, determined by reasons of expediency; in its fulness, we submit, it is something more than a reliance either upon prescription or upon prejudice, and it implies the statesman's responsibility to criticise his own mental dispositions, his intuitive judgments and the social and political institutions which he inherits.

If we exclude from Burke's thought the reliance upon the doctrines of exclusive prescription and unquestioned prejudice, and the metaphysical assumptions which make them seem plausible, and concern ourselves solely with the main doctrine of practical judgment based upon expediency, we see that his argument does not give adequate support to his uncompromising hostility to reform. If we subject prejudice to reflection and practical judgment, and if we subject the claims of prescription to the tests of expediency, we re-establish the possibility

of creative change. We do not, thereby, it is true, establish the need for change, but we do at least remove the philosophical or metaphysical grounds for assuming that no change is desirable. In doing so we give significance to the questions with which the Radicals and the Democrats were concerned. It becomes meaningful to ask what are the conditions in which reform and change would be desirable, and who is best fitted to decide. It becomes meaningful to ask whether, and to what extent, innovations in law and governmental practice may be a public responsibility and how experimentation in political affairs may be made sensitive to responsible public opinion. The answers which Burke and Price gave to these questions can now be considered in a discussion of the extent to which they thought that political responsibilities were the responsibilities of the people.

Burke's criticism of the ascription of political responsibility to the masses needs to be considered in two logically distinct phases; firstly, we need to consider his criticism of the Radicals' assumption that the Doctrine of Consent implied the desirability of democratic institutions, and, secondly, we need to consider his criticisms of the appropriateness of a full and equal distribution of political rights.

Earlier we have argued that the most plausible form of the Doctrine of Consent maintains that the authority of a particular embodiment of government depends upon the rational acceptance by the

governed of the claims of that government. On this foundation, the Radicals argue, in the first instance, that the obligations of allegiance only arise where the performance of government is adequate, that the people have a continuous responsibility to criticise the performance of government, and that where government fails to live up to the standards which the people think it should live up to, they have a responsibility to seek remedies for such defects. In order to discharge these responsibilities effectively the people should enjoy the rights to discuss and criticise the performance of government and to be free from the pressures of governmental authority in the formation of public opinion. But the Radicals, as distinct from the Whigs, do not rest here. They go further and hold that the Doctrine of Consent implies not only that the people have the responsibilities listed above, but also that they have a responsibility to govern. To the popular responsibilities which the Whigs admit they add responsibilities for constitutional reform, for the inspiration of legislation and to participate in all the procedures of government. In its most extreme formulation the radical thesis that each man should govern himself is taken to imply that the moral obligation to participate in all the procedures of government is inalienable.

This elaboration of the Doctrine of Consent as it appears in the writings of Price may be objected to in two ways, both of which are suggested at various points in Burke's thought. Firstly, objection

may be made to the fundamental thesis that the authority of government depends upon the rational acceptance by the governed of the claims of government; secondly, objection may be made not to this fundamental thesis, but to the claim that it necessarily requires a democratic distribution of political rights and responsibilities. To consider the first of these objections:- As we have seen earlier, if we deny the claim that the authority of a particular embodiment of government depends upon the rational acceptance of the claims of government, we imply that the governed have unconditional obligations to accept the claims which are made upon them. Now, although, as we shall suggest below, Burke does not rely on the thesis that we have unconditional obligations to accept the claims of government, and although such a claim would be at variance with his main position, there are occasions when he seems to suggest that our political obligations are not mediated by rational acceptance in the way which is required by the Doctrine of Consent. Burke's tendency to argue in this way has already been noted in his assumption that all positive law satisfies normative demands, in his claim that the force of prescription is Divinely inspired, and in his account of prejudice which gives a non-rational justification for our acting in accordance with our felt loyalties towards established institutions. This tendency can also be seen in the way in which Burke excludes the vast majorities from any kind of political responsibility,

"I have often endeavoured to compute and class those who, in any political view, are to be called the people. Without doing something of this sort we must proceed absurdly. We should not be much wiser, if we pretended to very great accuracy in our estimate: but I think, in the calculation I have made, the error cannot be very material. In England and Scotland, I compute that those of adult age, not declining in life, of tolerable leisure for such discussions, and of some means of information, more or less, and who are above menial dependence, (or what is virtually such,) may amount to about four hundred thousand. There is such a thing as a natural representative of the people. This body is that representative; and on this body, more than on the legal constituent, the artificial representative depends. This is the British public; and it is a public very numerous. The rest, when feeble, are the objects of protection; when strong, the means of force. They, who affect to consider that part of us in any other light, insult while they cajole us; they do not want us for counsellors in deliberation, but to list us as soldiers for battle." 1.

Burke's criticism of the Radicals does not, however, on the whole rely upon this method of attack. Instead of claiming that we have unconditional obligations to accept the claims of government, he claims that the Doctrine of Consent does not necessarily bear the interpretation which the Radicals put upon it. While it may be conceded that there cannot be a political obligation unless there is a general acceptance of the claims of a particular embodiment of government, such a concession does not imply that democratic institutions are the only institutions of government which are morally acceptable. Thus, while it may be the case that I cannot have a duty to obey government unless I see that the claims which government makes upon me are morally acceptable, it may also be the case that I see that the claims of a particular embodiment of government are acceptable even though I do not

1. 'Letters on a Regicide Peace', Works, Vol. V. pp. 189, 190.

enjoy the right to influence the conduct of that government or to participate in its procedures. Burke goes even further than this and claims that, in the Eighteenth Century context, forms of government which do not extend political responsibilities to all members of the community are more worthy of allegiance than those which do. He argues that all reasonable men not only consent but even rejoice to be ruled in accordance with the established principles of positive law and by the traditionally accepted principles of the Constitution; he argues that all reasonable men desire and see it their duty to delegate the responsibilities of government to those who are marked, either by hereditary or property rights or by the possession of superior abilities or character, for such duties, and that they are glad to accept the formulation of their social responsibilities at their hands. So far are they from thinking that only democratic forms are consistent with the full discharge of their responsibilities to society, that they think that the existing forms of the Constitution are morally preferable. As we have argued earlier the Doctrine of Consent does not, in itself, provide a basis for the prediction of what forms of government will seem to be morally acceptable; neither does it provide an 'a priori' ground for assuming that democratic forms will appear to be the only desirable ones; Burke, if this line of reasoning is valid, is, therefore, on good ground in holding that an aristocratic distribution of political rights is consistent with government by consent.

But although we can, therefore, dispense with the argument that democratic institutions are required by the Doctrine of Consent and agree with Burke's criticism of the Radicals at this point, we still need to consider the further question, - which is logically independent of the one which we have just been considering, - whether democratic institutions are the most appropriate forms, for it is quite consistent with denying the claim that an equal distribution of political rights is the only distribution which gives rise to political obligations, to hold that such a distribution is the most appropriate and the most fitting. Here we meet certain difficulties of interpretation, for it is not easy to generalise Burke's attitude towards popular political responsibility. It is not easy to extract a consistent account of the degree of contempt in which he held popular opinion and of his reluctance to ascribe political functions to the many. This is so partly because his rhetorical references to the wisdom of the people disguise his practical attitudes, and partly because towards the end of his career he had changed his mind. As the years progressed he gradually lost what respect he ever had for the political behaviour and mind of the masses. It is not easy, for example, to reconcile the language in which he draws attention to the dangers of the French example,

"a danger of being led, through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing, confiscating, plundering, bloody, and tyrannical democracy." 1.

1. 'Debate in the House of Commons on the Army Estimates, Feb. 5th, 1790', Parliamentary History, Vol. XXVIII, pp. 353-67. Works, Vol. III. p.273.

with the tone with which he had, earlier in his career, in his 'Thoughts on the Cause of the Present Discontents', exhorted the public to greater concern and greater vigilance in public affairs,^{1.} nor is it easy to reconcile his vigorous denunciation of the 'swinish multitude'^{2.} with the 'awe that is almost superstitious' with which he 'reverentially'^{3.} looks up to the opinion of the people. And, as we shall see when we come to examine a quotation from the 'Thoughts', there is a substantial difference between the respect in which he held popular judgment at the beginning of his career and the attitude which is implied in his attacks upon the Radicals in the 'Reflections' and in the 'Appeal'. But in fairness to Burke it is important to remember, when discussing these seemingly disparate viewpoints, the different contexts in which he discusses the functions of the people. In the 'Thoughts' he is concerned with the threats to the stability of the mixed constitution from the Crown's attempts to increase its own influence, and, consequently, he wishes to emphasise the value of making the Commons less susceptible to the influence of the Crown and more susceptible to the trend of public opinion. In the 'Reflections' and the 'Appeal', on the other hand, he believes that he is dealing with a context in which the threats to the stability of the constitution proceed from an undue emphasis upon the function of the Commons as a representative of the people. Therefore,

1. op. cit., Works, Vol. I. p. 369.

2. 'Reflections', Works, Vol. II. p. 351.

3. 'Speech on a Bill for Shortening the Duration of Parliaments', Works, Vol. VI. pp. 134, 135.

it is not surprising that the language of 1770 suggests a different attitude from that of 1790. But even in the 'Thoughts', the work in which Burke is most kindly disposed to the conception of popular political responsibility, he is careful to insist upon the limitations of democratic forms; he writes,

~~"Thoughts on the Cause of the Present Discontents."~~

In speaking of this body, I have my eye chiefly on the House of Commons. I hope I shall be indulged in a few observations on the nature and character of that assembly; not with regard to its legal form and power, but to its spirit, and to the purposes it is meant to answer in the constitution.

The House of Commons was supposed originally to be no part of the standing government of this country. It was considered as a control, issuing immediately from the people, and speedily to be resolved into the mass from whence it arose. In this respect it was in the higher part of government what juries are in the lower. The capacity of a magistrate being transitory, and that of a citizen permanent, the latter capacity it was hoped would of course preponderate in all discussions, not only between the people and the fleeting authority of the House of Commons itself. It was hoped that, being of a middle nature between subject and government, they would feel with a more tender and a nearer interest everything that concerned the people, than the other remoter and more permanent parts of legislature.

Whatever alterations time and the necessary accommodations of business may have introduced, this character can never be sustained, unless the House of Commons shall be made to bear some stamp of the actual disposition of the people at large. It would (among public misfortunes) be an evil more natural and tolerable, that the House of Commons should be infected with every epidemical phrensy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors. By this want of sympathy they would cease to be a House of Commons. For it is not the derivation of the power of that House from the people, which makes it in a distinct sense their representative. The king is the representative of the people; so are the lords; so are the judges. They are all trustees for the people, as well as the Commons; because no power is given for the sole sake of the holder; and although government certainly is an institution of Divine authority, yet its forms, and the persons who administer it, all originate from the people.

"A popular origin cannot therefore be the characteristic distinction of a popular representative. This belongs equally to all parts of government, and in all forms. The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a control upon the people, as of late it has been taught, by a doctrine of the most pernicious tendency. It was designed as a control for the people." 1.

Even though Burke claims that the Commons should be the 'express image of the feelings of the people', that they should never lose sympathy with public opinion, and that their function is to act as a control for the people, he consistently defines these functions in terms of the trustee conception of government, and avoids the implications which the Radicals placed upon representation. He holds that the monarchy, the lords and the commons are representatives of the people in the sense that they derive their authority from the people's acceptance of the claims of government, and he also holds that the Commons are representative of the people in the sense that it is the peculiar constitutional function of the Commons to safeguard the interests of the people, but he denies that either Parliament (considered as a whole) or the Commons is to be regarded as a representative in any sense which implies that the people have a creative function either in the revision of constitutional procedures or in the inspiration of legislation. Burke admits that in time of crisis, when the institutions of government seem to fail of their purpose and where there is threat of arbitrary power, there may be,

1. 'Thoughts on the Cause of the Present Discontents', Works, Vol. I. pp. 347, 348.

"no other way for the preservation of a decent attention to public interest in the representatives, but the interposition of the body of the people itself." 1.

but this responsibility to take direct action exists only for remedial purposes; it lasts only until 'confidence in government is restored'. Public intervention is required only to rehabilitate, and, consequently, there is not [] hint of the creative function which the Radicals read into popular political responsibility. On the basis of this trustee conception of the duties of government, Burke was a consistent opponent of the measures which the Radicals proposed for the extension of popular political responsibility. He opposed schemes for widening the franchise, for reforming the distribution of Parliamentary constituencies and for shortening the duration of Parliaments. In his 'Thoughts on the Present State of the Nation' he even advocated that the franchise should be reduced,

"And truly, considering the immense and dangerous charge of election, the prostitute and daring venality, the corruption of manners, the idleness and the profligacy of the lower sort of voters, no prudent man would propose to increase such an evil, if it be, as I fear it is, not of our power to administer to it any remedy." 2.

The main reason for this reluctance to abandon the trustee conception of government and for his hostility to radical proposals is the contempt in which he held the abilities and the moral qualities of

1. 'Thoughts on the Cause of the Present Discontents', Works, Vol. I. p.369.
 2. op. cit., Works, Vol. I. pp. 259, 260.

the masses. He feared that an extension of the franchise would give greater opportunities for corruption and for the destruction of the independence of the Commons. The same fear inspired his hostility towards proposals for more frequent elections. Triennial Parliaments would tend to increase the corruptibility of both member and elector, to intensify the debauchery of elections and to increase the difficulties which members had in remaining independent of the patronage of the
 1.
 Crown.

Unlike Price who argues from abstract considerations of the demands of moral personality, from the notions of the equality of persons and the dignity of citizenship, Burke argues from his own practical experience as a political manager. As he insists in his 'Speech on the Representation of the Commons in Parliament' (1782) the considerations which should dominate the criticism of reform are whether the proposed changes are likely to be more beneficial in the context into which they are introduced than the existing methods. The low esteem in which he held the masses led him to fear the consequences of their greater participation in public affairs, an attitude in which he was confirmed by the Gordon Riots.

On occasion he professes to be inspired by the public sense and the public will; in his 'Letter to the Chairman of the Buckinghamshire Meeting' (13th April, 1780), he writes,

1. 'Speech on a Bill for Shortening the Duration of Parliament', Works, Vol. VI. pp. 132-143.

"I most heartily wish that the deliberate sense of the kingdom in this kingdom on this great subject should be known. When it is known it must be prevalent." 1.

and in his 'Speech on a Bill for Shortening the Duration of Parliaments' he writes,

"To govern according to the sense and agreeably to the interests of the people, is a great and glorious object of government." 2.

but when we examine his dicta upon the extent to which the popular judgment is to be trusted we find that these attitudes are not borne out. Although Burke claims that the sense of the people is the touchstone of all true policy, he denies that this sense is to be evoked by consulting the collective judgment of the masses. The people are incapable of 'exact deliberation'; although they can judge whether their representatives are 'honest servants', they make poor judges of the merits of any particular measure. The many do not understand the art of government and members are not to go to their constituents to learn the principles of 'law and government'.^{3.} Neither can the many understand the working of the Constitution, which although it 'may have its advantages pointed out to wise and reflecting minds',^{4.} is of 'too high an order of excellence to be adapted to those which are common' and ~~which~~ is too complex to be 'comprehended by shallow and superficial understandings'.^{5.} Similarly, although the broad

1. op. cit., Works, Vol. VI. p. 3.

2. op. cit., Works, Vol. VI. p. 132.

3. 'Speech on a Bill for Shortening the Duration of Parliaments', Works, Vol. VI. p. 135.

4. Ibid.

5. 'Appeal from the New to the Old Whigs', Works, Vol. III. p. 112.

principles of government and the true limits of political activity can be understood by the many, it is only the discerning few who can appreciate the intricacies and the complexities of established institutions,

"Rational and experienced men tolerably well know, and have always known, how to distinguish between true and false liberty; and between the genuine adherence and the false pretence to what is true. But none, except those who are profoundly studied, can comprehend the elaborate contrivance of a fabric fitted to unite private and public liberty, with public force, with order, with peace, with justice, and, above all, with the institutions formed for bestowing permanence and stability, through ages, upon this invaluable whole." 1.

The most that Burke allows even to the restricted number of those to whom he thought it wise to give the franchise, is a sense of the true limits of political activity and a capacity for judging the honesty of their representatives. Their judgment is neither sufficiently well-informed nor sufficiently wise and subtle in experience to be capable of directing the business of government. In 1774, after contesting the election at Bristol, he was given a curious opportunity to state his views on the function of a member of Parliament and his relations with his constituents. The other successful candidate, Cruger, in a speech to the electorate after the declaration of the poll, promised that he would always be willing to abide by their instructions. Burke immediately dissociated himself from this conception of the duties of a member, and, at a moment when it would not have been surprising if something had

1. *ibid.*, pp. 112-113.

been spared to the flourishes of rhetoric, enlarged upon his own contrary conception. So emphatic and so unambiguous was his statement of the trustee conception that it became the authoritative source of what has been taken to be the wisest interpretation of the role of the member,^{1.} and later in his life Burke took pleasure in recalling that he had been largely responsible for the general rejection of the view that members are the delegates of their constituents and constantly subject to their instructions. Burke's main point is that the member, although he ought always to consider the opinion of his constituents and although he ought always to devote himself to their welfare, should rely always upon his own judgment, even where that judgment is at variance with that of the majority of his constituents.

"His unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living.....Your representative owes you, not his industry only, but his judgment, and he betrays instead of serving you, if he sacrifices it to your opinion." 2.

The crucial difference between Price and Burke at this point lies not so much in a difference as to the function of the representative as in the estimate of the reliability of the collective judgment. Price would be the first to endorse Burke's claim that the member should never violate his own conscience, but he sees less disparity than Burke does between the judgment of the individual and the judgment of the many.

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1. 'Appeal from the New to the Old Whigs', Vol. III.p.26.
 2. (Speech to the Electors at Bristol' (Nov. 30th, 1774), Works, Vol. I. pp. 446 et seq.

As we have noted earlier Price wavers in his conception of the duties of a member, but this vacillation seems to create fewer difficulties because of his high estimate of the sagacity and the integrity of popular judgment. His humanism contrasts vividly with the contempt which Burke had learnt from experience. Whereas both insist that the member should always consider popular judgment, Burke maintains that the member is not often likely to find it illuminating. This contempt underlies the more positive reasons which he gives for an aristocratic distribution of political rights. The many do not have the qualities, either intellectual or moral, which are necessary to governors. Whereas Price argues that the few will always abuse the political trust given to them by the many, Burke argues that the qualified few alone can be entrusted with the welfare of the whole. Both argue that the duties of government are moral responsibilities, but from this premiss they reach different conclusions; Price argues that, since government is a moral responsibility, each individual should be accorded full political rights, for then only can he achieve full moral stature; Burke, on the other hand, reads into the moral significance of government the claim that political rights should only be given to those who have the moral stature equal to the task. Whereas Price sees government as an opportunity for moral education, Burke sees virtue as an essential qualification for political

1. rights. He bases the distribution of these rights not upon the demands of moral personality, but on the need to safeguard against moral weakness. But, for Burke, virtue is not the only qualification. As we have seen earlier, he sees the main task of government to provide stability and security, and this, in the main, is to be achieved by preserving the continuity of institutions. Those who are most likely to preserve the settled order are those who have an interest in its preservation. Property thus becomes an important foundation for political rights. Furthermore, in addition to the claims of virtue due recognition must be given to the claims of ability. In our discussion of the nature of practical judgment we have already noted the gifts and talents that make for practical wisdom; acquaintance through experience with the arts and practice of government; a knowledge of human nature and the art of managing it; a knowledge of history, particularly of the development of institutions; and an ability to grasp the ways in which human nature is dependent upon environment and tradition. Such practical wisdom is not evenly distributed, neither is it possible to give equal opportunities for its cultivation. The wisdom that is necessary to the statesman requires leisure and freedom from the harassments of industrial and commercial life. Burke quotes

1. "There is no qualification for government but virtue and wisdom, actual or presumptive. Wherever they are actually found, they have, in whatever state, condition, profession, or trade, the passport of Heaven to human place and honour." 'Reflections', Works, Vol. II. p. 323.

approvingly from Ecclesiasticus,

"The wisdom of a learned man cometh by opportunity of leisure; and he that hath little business shall become wise..... How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen; and is occupied in their labours; and whose talk is of bullocks ?" 1.

The conjoint demands of virtue, wisdom, ability, property and leisure serve to discriminate from the general mass those who are both capable and worthy of political responsibility; that successful government depends upon practical wisdom thus creates a presumption in favour of an aristocratic distribution of political rights.

Burke's discussion of the difficulties of ensuring that government is inspired by practical wisdom elucidates two major defects in Price's advocacy of democratic institutions. In the first place, it shows, what Price does not acknowledge sufficiently, that practical recommendations should not be derived simply and immediately from abstract considerations of the demands of moral personality. Price thinks in terms of the conditions which would best serve to give full scope to the development of the sense of moral responsibility; he visualises a community in which the greatest moral opportunity will be given to all by allowing each one to participate in the procedures of government, and with this ideal in mind he argues that each one should be given, immediately, full political rights. In doing so he does not pay sufficient attention to the possibility that unless certain

1. 'Ecclesiasticus', ch. xxxviii, 24-34.
'Reflections', Works, Vol. II. p. 323.

conditions are fulfilled such a revolutionary step might issue in catastrophe. Burke reminds us that consideration of the demands of moral personality is not the only consideration to be borne in mind in determining the desirability of reform. He argues that safeguards must be taken against the threat of arbitrary power and against the corruptibility of human nature; he argues that steps must be taken to ensure that government is inspired by the most mature judgment. Price's optimism leads him to ignore these considerations. By implication he assumes that the people will always be fitted to bear the responsibilities which democratic institutions thrust upon them. Consequently he underestimates the need for education in the duties, the responsibilities and the restraints of citizenship. Burke, on the other hand, has such a contempt for the masses that he assumes that they are not capable of acquiring that virtue and practical wisdom which is a necessary qualification for political rights. Now while we may dissent from his contemptuous estimate of the popular mind, we cannot so easily escape the sagacity with which he stresses the need for ensuring that political responsibilities and political duties should only be given to those who are capable of discharging them. Even if we think more highly of the general public than Burke does, we still need to bear in mind the wisdom of ascribing political responsibility only to those who are worthy of it.

In the second place, Burke's criticism shows that Price's advocacy of democratic institutions does not pay sufficient attention

to the possibility that political responsibilities may be variously distributed throughout the different sections of the community.

Price's argument, say from the equality of persons, that each one should be given full and equal political rights, imposes a category upon the allocation of political responsibilities which is too crude for the complexities of political adjustment. To claim that we all have equal, and consequently comprehensive, responsibilities for the government of our community is to apply a principle which is too Procrustean. Burke sees that it is possible that the people may be fitted to take some kinds of political decision without being able to take all kinds of such decisions. This insight shows us that we are not committed to choosing between a regime in which the many enjoy no political responsibility and a regime in which all enjoy equal responsibility. In certain contexts the best solution may be found in a system which allocates different degrees and different kinds of political responsibility to different sections of the community. Burke sees that, rather than pose the problem in terms presupposed by such a disjunction, it is better to ask what kinds of political decision can be left to the discretion of the many. To consider the problem in this way disabuses us of the tendency to assume that if the many are to have some responsibility they must have equal responsibility. On these lines it is possible to combine, as is suggested by Burke's version of the whig conception of trusteeship, a general responsibility for the standard of government with a delegated responsibility for legislation.

Similarly, on these lines and in more democratic terms, it is possible to combine a general responsibility for the creative inspiration of legislation with a delegated responsibility for certain decisions. Neither of these different ways of distinguishing the kinds of political responsibility which may be ascribed to the many is inconsistent with the foundation of political obligation in the demands of conscience, for, as we have seen in our sixth chapter, the general demand that the performance of government should be acceptable to conscience does not require that there should be an equal distribution of political rights; it is at least a possibility that in some contexts an aristocratic distribution is seen to be more appropriate than an egalitarian one. That we may thus consider various ways of distributing political rights - a consideration to which Price does not give sufficient attention - needs to be discussed along with the claim that the appropriateness of ascribing popular political responsibility is an empirical matter. The force of both of these considerations shows the limitations of Price's advocacy of democratic institutions on 'a priori' grounds.

But although these two weighty criticisms of Price's position can be derived from Burke's discussion, there is, nonetheless, much in that position which serves as a needed corrective to the asperities of Burke's attack. Burke has too little appreciation of the normative force of the radical viewpoint; he allows the caution with which he views the translation of democratic ideals into practice to obscure his appraisal of those ideals. He has little of the sense of fellowship

which inspires the egalitarian ideal, too little appreciation of the opportunities for moral education which political responsibility gives, and too little appreciation of how large a part the dignity of citizenship plays in the development of moral and personal stature. Although it can be argued that Price overemphasises the claim that one man cannot be entrusted with the government of another, with the implication that all forms of aristocracy are necessarily forms of exploitation (in the pejorative sense of that term), yet there is much point in his awareness of the moral and psychological limitations of class rule for which Burke does not make sufficient allowance. Where some sections of the community have no voice in their government and where they cannot influence discussion, it is unlikely that their interests will be adequately represented, because the aristocrat has difficulty in understanding and sympathising with the needs of those who do not share his privileges. But the most serious criticism that can be levelled against Burke is that he does not make sufficient allowance for the need to make government sensitive and responsive to public discussion and for the value of enabling those who can to participate in such discussion. Apart from those instances in which he seems to imply that political decision should be determined by unreflecting prejudice and adherence to tradition, Burke emphasises that reflection is an essential part of political judgment. It is in reflection that what is valuable in tradition is adapted to present need; in this way the stress placed upon the value of continuity does not exclude but rather depends upon

the exercise of intelligence and reason. But though Burke realises the central importance of debate and discussion in the inspiration of government, he has little sense of the value of bringing the vast majorities to make contributions to such argument. The emphasis which Price places upon candour, the appeal to reason and the need for self-government, in contrast with his reliance upon rational intuition, acknowledges the importance of thus extending the area of debate.

That each person should think for himself and make his own moral and political decisions, that he should be free from the moral and political tutelage of others, implies that each one has a right to participate to the full in all public discussion that touches on the affairs of government. Both Price and Burke would agree that government should be subject to the best and to the most mature thought of the time, and it is in this way, both would agree, that the claim that government should be subject to the will of the people should be interpreted. But if Price too readily supposes that each member of the community can make an equal contribution to responsible discussion, Burke is much too exclusive. The restrictions he places upon the distribution of political rights have the effect of reducing the many to dependence upon the thought of the few. Their political duties are those of acceptance and obedience. They rely not upon their own judgment but upon that of others. Their moral horizons are thus limited and their sense of responsibility impoverished. And by their relegation to the ranks of those who have no creative responsibilities for government and

who take no part in political discussion, the quality of that discussion is also impoverished.

Perhaps the best way of illustrating these shortcomings of Burke's attack upon democracy, and of relieving the severity of his criticism of the Radicals, is to point to the democratic implications of the importance which he attaches to the 'conspiracy of minds' in the providential development of social institutions,

"Political arrangement, as it is a work for social ends, is to be only wrought by social means. There mind must conspire with mind. Time is required to produce that union of minds which alone can produce all the good we aim at." l.

In his 'Decline of Liberalism as an Ideology'

CHAPTER IX.

Professor Hallowell maintains that the fundamental postulate of integral liberalism is the absolute value and dignity of human personality. This postulate requires the exclusion of arbitrariness,

LIBERALS AND DEMOCRATS

"Now if all liberties, equal in value, they can submit to no will that is arbitrary or capricious. To do so would be to deny their moral equality, to deny the dignity which they possess as human beings endowed with reason.

But authority is necessary to social order. How then can the two be reconciled? Liberalism answered that the individual can only submit to an authority that is impersonal, objective, and eternal. He cannot submit to the will of another individual nor to any arbitrary authority. The only authority to which the individual can submit is to the impersonal authority of law." 2.

This demand for the exclusion of arbitrariness, Professor Hallowell points out, is interpreted in two ways, both of which give

1. J.H. Hallowell, 'The Decline of Liberalism as an Ideology', London, 1946.
2. op. cit., p. 6.

In his 'Decline of Liberalism as an Ideology'^{1.}

Professor Hallowell maintains that the fundamental postulate of integral liberalism is the absolute value and dignity of human personality. This postulate requires the exclusion of arbitrariness,

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1. J.H. Hallowell, 'The Decline of Liberalism as an Ideology', London, 1946.

2. op. cit., p. 6.

rise to self-sufficient foundations of law. Firstly, non-arbitrariness is found in law which is determined in accordance with the demands of moral personality,

"When integrally conceived, liberalism postulates as its fundamental premise the absolute value of human personality. Conceiving as the essence of human individuality a God-given soul it espouses individual equality, in a spiritual sense. Each individual is regarded as potentially worthy of salvation, in the sense of fulfilling his destiny or function in the light of his talents and capacity. Hence, individuals are never means but always, as equal moral entities, ends in themselves.

Accordingly, liberalism champions individual autonomy, that is, freedom from all arbitrary compulsion, since compulsion is incompatible with the conception of human dignity. For only by the freeing of the individual from arbitrary restraints can he develop his talents and express his personality in the realization of all his potentialities. The individual is not conceived as being free to do anything he pleases or desires; he is free only to follow the dictates of reason and conscience.

As its ideal, therefore, liberalism posits freedom under the impersonal rule of law, the law being conceived as filled with certain eternal, objective truths and values discoverable by reason." 1.

Secondly, the exclusion of arbitrariness is understood to require self-regulation; the individual is conceived as giving a law to his own conduct,

"Liberalism, on the other hand, conceived of society as being composed of atomic, autonomous individuals with wills and interests peculiar to themselves There is ascribed to the individual the capacity to will freely." 2.

Just as the exclusion of arbitrariness is understood in

1. op. cit., p. 108.

2. ibid., pp. 108 and 109.

these logically distinct senses, so, too, is the concept of autonomy. Firstly, autonomy is understood to exist where the individual is ruled in accordance with the demands of his own moral personality; secondly, it is understood to exist where the individual gives a law to his own conduct. These two different interpretations of the nature of self-government give rise, Professor Hallowell suggests, to two different, self-sufficient and mutually inconsistent foundations for the authority of law,

"First of all, there is the notion that law is a product of individual wills, of consent, and the expression of subjective interests. On the other hand, there is the notion that law is the embodiment of certain objective truths and values, in a sense found and not made. In the first view, it is the irrational compulsion behind the law which makes the individual submit to it; in the second view, it is the rational recognition of objective truth that imposes obligation. The legal order is justified, in the first instance, because it is the collective expression of individual wills and interests; it is justified, in the second instance, because of the inherent justness of the content which it embodies, independent of individual will or interest. The validity of law, in the one concept, rests upon the force behind it; in the other, upon the recognition of the inherent rightness of the content of law." 1.

In discussing Price's liberalism it is important to clarify what he held to be required by the exclusion of arbitrariness and to ask whether his demand for autonomy gives rise, as Professor Hallowell suggests that it does for liberalism generally, to two logically independent and mutually inconsistent foundations for the authority of law. As we have seen in our analysis of the use of the term 'freedom' and in our discussion of Burke, the exclusion of arbitrariness

1. op. cit., p. 109.

is a demand which is made by both Whigs and Liberals alike. In both it is a demand for the constant and consistent application of law. But it is clear that it implies more than this, for the constant and consistent application of any law or of any system of laws, would not, in itself, be sufficient. What is required is the constant and consistent application of a law which has normative sanctions. It is this feature of non-arbitrariness which excludes the possibility that the law be determined simply at the discretion or founded merely in the inspiration of the will of any one person or section of the community. Non-arbitrariness, as such, excludes personal rule (and we have seen how this is interpreted in the legislative sense by Rousseau) and is to be found only in a rule based upon the objective and impersonal law of nature.

Now what is distinctive about Price's formulation of the demands of autonomy is not that he shares the conviction that the exclusion of arbitrariness requires rule in accordance with normative sanctions - a conviction which he shares with Locke and Burke - but his insistence that the exclusion of arbitrariness requires rule in accordance with the individual's own apprehension of normative demands. That is, for a person to be free it is not sufficient to say that he is ruled in accordance with the law of nature or in accordance with a law which satisfies the demands of his own moral personality; he must also be ruled in accordance with a law which he sees to be

in accordance with the law of nature. The individual must enjoy autonomy not only in the sense that he is ruled in accordance with a law which permits him to satisfy his own moral and spiritual need, but also in the sense that he perceives that he is ruled in accordance with a law which answers those needs. Positive law should both conform and be understood to conform to natural law. Autonomy should be enjoyed in the sense that each individual should be governed in accordance with his own moral understanding.

A further feature which Price reads into the conception of autonomy is that the individual should participate in all the processes of legislation which affect him. The individual should enjoy self-government both in the sense that he should be ruled in accordance with a law which he sees to conform to the law of nature, and in the sense that he should participate in the formulation of those laws. We already have examined in detail the presuppositions which make these claims plausible; the assumption which underlies the claims that each individual should be governed in accordance with an objective moral order and in accordance with his own conception of the requirements of such an order, is the assumption that there is within the community a common consensus of agreement as to the requirements of such an order; the assumption which underlies the claim that each man should be governed in accordance with his conscience and that he should be allowed to participate in the positive formulation

of the demands of conscience, is the assumption that each man desires and wills to be governed in accordance with the dictates of conscience.

Given these assumptions, it is important to note that for Price the claims that government should be in accordance with natural law, that government should be in accordance with the conscience of each individual, and that government should be in accordance with the will of each individual are complementary and not mutually inconsistent. Because there is common agreement as to the nature of normative demands, there is no inconsistency in saying both that government should be in accordance with the natural law and that it should be in accordance with the individual's apprehension of that law. Similarly, because the individual desires to be governed in accordance with his own conscience, and because he can always be trusted to legislate in accordance with his own conscience, there is no inconsistency in saying both that the individual should be governed in accordance with his own moral conceptions and in accordance with (and by) his own will.

If we forget that Price makes these assumptions (both of which, in themselves, are unfortunate and misleading) and that his use of language is made to conform to them, we may be misled to read into him the following claims:- (a) that in society a man is always

entitled to do what he consistently desires or deliberately decides to do, (b) that the authority of government is founded in what a man consistently desires or deliberately decides to do, (c) that under government a man has a right to do what he thinks he ought to do simply because he thinks he ought to do it, and (d) that the authority of government is founded simply in the governed thinking their government to have authority.

Although Price's language on occasion seems to suggest that there are no moral limits to self-regulation, this is not his main position. It only appears to be so because he assumes that each individual desires and decides consistently to act in accordance with the moral law. Further, his claim that the authority of government is founded in consent and in the individual's subjective awareness is misleading if it is not understood to be accompanied by the assumption that each individual incorrigibly apprehends the provisions of a moral order which is of universal application. If we ignore this latter assumption then it will seem as though Price is saying that the rightness of an action is constituted simply by its being thought to be right and that the authority of government is constituted simply by its being thought to have authority.

The assumption that each individual knows the provisions of the moral order (which enables Price to hold both that the individual should be governed in accordance with the moral law, and that he should

of the authority of government (and the validity of that law) illustrates a further feature of Price's interpretation of the claims of conscience. It shows that for Price the individual's awareness of the content of law and the objective content of the law itself are complementary elements in the nature of an obligation. That a person should do what is right is not therefore incompatible with the claim that he should do what he thinks to be right. For this reason, in interpreting Price, it would be misleading to claim, as Professor Hallowell seems to suggest for liberalism in general, that there lies within his position two mutually inconsistent foundations for the authority of law. It would be misleading to contrast the foundation of law in the individual's subjective awareness of the validity of law with the foundation of law in the objective validity of the content of law. For just as it would be wrong to abstract from the nature of an obligation the individual's awareness of the validity of an obligation and claim that it was the sole and exclusive foundation of the validity of that obligation, it would be wrong to present the complementary elements of an obligation (and of what it is to have an obligation) as though they constituted different grounds for the authority of government. Just as it would be misleading to say that my thinking an action to be right and the rightness of the action are alternative and conflicting grounds for the justification of my doing that action, so too it would be misleading to suggest that the foundation

of the authority of government in the individual's awareness of the validity of the law is an alternative to the foundation of that authority in the objective validity of the law.

A similar consideration applies when we consider Price's justification of democracy. We are liable to be misled if we do not bear in mind that his advocacy of popular political responsibility presupposes a common consensus of agreement upon the provisions of a moral order and a common willingness to enforce those provisions. That Price regards popular participation to be essential to the legal definition of rights is not to be understood to imply that the authority of law is constituted solely by the collective act of participation in legislation. Price does hold that the many are always right, but he does not understand by this that what is right is right simply because it is seen to be right by the many or that what is (legally) right is right because it is willed to be right by the many. The authority of government in a democracy lies not comprehensively within either the virtues of collective awareness or the virtues of collective volition, for both the awareness and the decision of the many have their basis in the objective moral law. According to Price we submit to the judgment of the many because they act in accordance with their consciences, and we submit to the consciences of the many because they are informed with the eternal principles of morality.

~~conscious~~ In theory the common consensus as to the requirements of the moral order provides the basis of legislation. Government exists to ensure to us what we take to be our natural rights and the freedom to act in accordance with the deliverances of our own consciences. One weakness of Price's treatment is that he never discusses adequately which of our moral rights (the counterpart of the duties we are owed) should be politically enforced. When he suggests that, although government should never ^Tres_Arain action in accordance with conscience, it may interfere to restrain licence, he seems to suggest that all our duties, and those of others, are legally enforceable. For if we understand by licence not only our intrusions upon the moral freedom of others, but also our neglect of the duties which we owe to others, it would seem that in maintaining that licence is subject to legal restraint he is in fact claiming that all our moral duties are capable of political enforcement. But though Price's discussion at this point is imprecise, it is certain that he maintains that there are the following criteria to be borne in mind when discussing the limits of political activity. Firstly, he maintains that some of our moral duties are capable of political enforcement; as we have seen, the claim that government exists to secure to the individual the freedom to do as he likes, must not be interpreted to imply the highly paradoxical conclusion that government is not entitled to set any limits upon activity. It is freedom to act in accordance with

conscience that government should maintain, and, by implication, it is empowered to take all those steps which are necessary to provide the conditions under which that freedom may be enjoyed. Secondly, government should never intrude upon action dictated by considerations of conscience; since all conscientious activity, according to Price, harmonises, there is no need for government to impose restraints upon such activity. Thus government is restricted either to restraining immoral activities or to regulating action in those respects which are not predetermined by considerations of conscience. Thirdly, government has no responsibility for the direct promotion of conscientious activity. While it is true that by inhibiting immoral intrusions upon the freedom of conscience government facilitates action in accordance with conscience, it has no responsibility to promote such action directly. This claim is re-inforced by the further consideration that it is impossible, in the nature of moral experience, to produce virtue in another. For the virtuous action is that in which the individual acts spontaneously from a love of rectitude. Now since any other motivation to right action is not in itself virtuous (this is not, however, to deny that some actions may be done both from a respect for rectitude and from some other motive) and since the respect for virtue cannot be produced by external methods, it follows that virtuous conduct cannot be produced by external motivations. 'A fortiori', it cannot be the case that the

production of virtue is a responsibility of government.

Fourthly, from Price's definitions of freedom it can be seen that he implies that the government's responsibility for creating the conditions in which freedom of conscience is to be enjoyed is restricted to inhibiting the immoral intrusions of others upon such freedom. It is 'oppression' and the 'invasion' of our rights which it is the duty of government to repel.

Fifthly, not only has the government no right to interfere with activity in accordance with conscience; it also has no right to interfere in the formation of conscience. On the view that each one necessarily has a private and infallible apprehension of the moral law, the claim that government has such a responsibility is precluded by its absurdity. If, however, we reject the view that each individual necessarily has such knowledge, then the claim that we may have duties to tend to the moral enlightenment of others is not absurd. Now, according to Price's use of the concept of Candour, we have such responsibilities, though we should always restrict ourselves to rational methods of persuasion. But he is so jealous of the right to completely unrestricted enquiry that he absolves the government from all responsibility for moral illumination. The principle that government is a servant of the community and should be sensitive and responsive to the mind of the people can only be realised if government has no part

to play in influencing opinion and if the spirit of impartial enquiry is in no way shackled by political authority.

Lastly, although there is some vagueness as to the extent to which Price thought that normative demands are politically enforceable, he does not, on the whole, maintain that the common good or the goals of political activity comprehend all individual goods. This point is of crucial importance in estimating the extent to which Price's subjection of government to the collective judgment of the community may be said to have totalitarian implications, for it is the alliance of the concept of the general will as political sovereign, with the notion that the common good is a politically enforceable good which integrates all individual goods, that constitutes the dominant threat to liberal foundations.

In his 'The Origins of Totalitarian Democracy'¹ Professor Talmon argues that the foundations of totalitarian democracy are to be found in the Eighteenth Century conviction that there is a natural order, whose provisions are discoverable by reason, which ought to be realised by political action inspired by the collective judgment of the community.

"It was the eighteenth-century idea of the natural order (or general will) as an attainable, indeed inevitable and all-solving, end, that engendered an attitude of mind unknown hitherto in the sphere of politics, namely the sense of a continuous advance towards a

1. J.L. Talmon, 'The Origins of Totalitarian Democracy', London, 1952.

dénouement of the historical drama, accompanied by an acute awareness of a structural and incurable crisis in existing society. This state of mind found its expression in the totalitarian democratic tradition.

Totalitarian democracy early evolved into a pattern of coercion and centralization not because it rejected the values of eighteenth-century liberal individualism, but because it had originally a too perfectionist attitude towards them. It made man the absolute point of reference. Man was not merely to be freed from restraints. All the existing traditions, established institutions, and social arrangements were to be overthrown and remade, with the sole purpose of securing to man the totality of his rights and freedoms, and liberating him from all dependence. It envisaged man per se, stripped of all those attributes which are not comprised in his common humanity. It saw man as the sole element in the natural order, to the exclusion of all groups and traditional interests. To reach man per se all differences and inequalities had to be eliminated. And so very soon the ethical idea of the rights of man acquired the character of an egalitarian social ideal. All the emphasis came to be placed on the destruction of inequalities, on bringing down the privileged to the level of common humanity, and on sweeping away all intermediate centres of power and allegiance, whether social classes, regional communities, professional groups or corporations. Nothing was left to stand between man and the State. The power of the State, unchecked by any intermediate agencies, became unlimited. This exclusive relationship between man and State implied conformity. It was opposed to both the diversity which goes with a multiplicity of social groups, and the diversity resulting from human spontaneity and empiricism.

Man was to be sovereign. The idea of man per se went together with the assumption that there was some common point where all men's wills would necessarily coincide. The corollary was the tendency to plebiscitary democracy. Men as individuals, and not groups, parties or classes, were called upon to will. Even parliament was not the final authority, for it was also a corporate body with an interest of its own. The only way of eliciting the pure general will of men was to let them voice it as individuals, and all at the same time." 1.

This political Messianism, which is the progenitor of modern totalitarian democracy, is based on the following assumptions:-

(a) that there is a natural order, or general will, which defines all

men's social relationships and which secures all their social goods, (b) that the provisions of such a natural order are determined by reason, (c) that such a natural order is politically enforceable, and (d) that such political enforcement is to be inspired by the collective judgment of the whole community.

Now it may seem that all these assumptions are implicit in Price's thought. As we have seen, (1) he postulates a harmony of conscientious activity, (2) he argues that the provisions of such a moral order are discernible by rational intuition, (3) he argues that there is within the community a common consensus of the provisions of such a moral order, and (4) he argues that the political definition of our natural rights is to be inspired by the collective judgment, and effected by democratic procedures. By implication, then, are we to regard Price as a prophet of totalitarian democracy? Our answer to this question depends upon the interpretation of the first of these assumptions. Does the harmony of conscientious activity which Price argues is both feasible and, in principle, politically enforceable, constitute a comprehensive definition of all the individual's activities? Does the freedom to act in accordance with our conception of normative demands exhaust our activity? Is it the case that the rights which I have against others (and are enforceable against others) and the duties which I owe to others, completely define my sphere of action? To clarify Price's conception of freedom of conscience, and the harmony

of conscientious activity which it presupposes, we have to distinguish between (a) an enforceable right to do what I think I ought to do, or to do that which I think I have an obligation to do, and (b) an enforceable right to do that which I wish to do, when what I wish to do is not prohibited by conscience. If freedom of conscience is interpreted under (b) then the right to freedom of conscience (as against others) presupposes a comprehensive definition of each individual's activities. But if freedom of conscience is interpreted under (a) the right to freedom of conscience (as against others) only presupposes a comprehensive definition of each individual's activities if it is supposed that conscience itself determines all decisions.

There is one instance in which Price seems to suggest the interpretation of freedom of conscience given under (b): that is, where he understands the right to liberty as an enforceable right to do that which we wish to do as long as we do not exercise that liberty to the detriment of the enjoyment of a similar liberty in another. If pressed, this claim implies that all the individual's activities are definable for political purposes. In the main, however, Price does not hold either that we have an enforceable right against others to do whatever is not prohibited by conscience, or that considerations of conscience predetermine all our decisions. By normative demands Price understands principles which limit and regulate our activities; he does not maintain that they

wholly determine our decisions. Thus although the moral order may be said, on his view, to harmonise all conscientious activity, it cannot be said to harmonise all our activity. Although the moral order may permit us to fulfil our obligations according to our own conceptions, it cannot be said to allow us to fulfil our desires, even if those desires be morally permissible. Freedom of conscience does not necessarily presuppose freedom to achieve all that it is morally permissible for us to attempt to achieve. Thus although Price assumes that there is a common consensus (or general will) as to the provisions of the moral order, he does not imply by this that there is a common good which completely integrates all individual goods; the common consensus is restricted to the nature of those normative demands which limit but do not wholly define our activities.

The possibility that the concepts of a moral order and of the general will may be interpreted in this way shows that it can be misleading to assume that the use of these concepts necessarily has totalitarian implications. They only do so if they are harnessed to notion that all individual activities give rise to a comprehensive system of reciprocal rights and duties which is politically enforceable. Otherwise their use is not necessarily inconsistent with the view that a high proportion of individual decisions should be unregulated.

principles is that this is not so. If such principles are the objects

1.
 As Professor Talmon himself remarks, it is the notion of an all embracing salvationist creed which constitutes the threat to liberal foundations. Similar cautions need to be borne in mind when examining the claim that the assumption that there are certain rights which should be enjoyed universally, has totalitarian implications, for universality only implies uniformity if it is assumed that all or a high proportion of our activities are definable in terms of reciprocal rights and duties. Although Price does not state with precision which of our obligations are capable of political enforcement, the limits which he places upon government activity are sufficiently severe to preclude the reduction of our activities to conformity with one pattern of behaviour.

It now remains to be considered whether there are illiberal tendencies in Price's other assumptions, namely, that there is a common consensus of opinion as to the aims of government, and that all political decisions should be inspired by collective judgment. The question whether there is a common consensus of opinion as to the ends which government should pursue is an empirical matter, and it is reasonable to assume that widely different conditions may exist in different communities. But the implication of Price's claim that we have immediate and incorrigible knowledge of moral and political principles is that this is not so. If such principles are the objects

1. op. cit., p. 253.

of a rational intuition, it follows that there is, of necessity, common agreement on these matters. Genuine differences of opinion would be impossible. It can readily be seen that this claim has illiberal tendencies in that it might lead us to underemphasise the importance of paying attention to minority and dissentient opinion. This danger is aggravated by the consequence of the peculiar construction which Price places upon the 'immediacy' and 'privacy' of individual judgment. For if it is the case that our first order moral conceptions are incorrigible, then we are absolved from the need to criticise our own conceptions, and we can dispense with any need to rely upon discussion for the illumination of our moral judgments. By implication, the collective judgment which exhibits an identity in all individual judgments, is untouched by argument. In this way the appeal to the 'privately' inspired individual conscience anticipates the appeal to an irrational general will.

The liberal correctives to this construction of the appeal to the self-dependent individual conscience lie in the implications of Price's use of the concept of Candour. The admission that our consciences are fallible, that we have a duty to guard against error, and that we may do so by submitting our practical judgment to the tests of reason, destroy the immediacy and privacy of the individual moral judgment. Rationality in moral judgment is construed not in terms

of a self-dependent individual apprehension of eternal truth, but in terms of the subjection of practical judgment to the illumination of interpersonal discussion. The collective judgment, the mind of the people, is understood not as something which derives its unity from an identity of conception in each individual, but as something which derives its unity from the willingness of each individual to submit to the practical adjustments that can be effected by the social processes of reason. It is the implications of this construction of the demands of candour which enables us to give proper emphasis to what we have termed our subsidiary obligations to criticise our own conceptions, and to the political rights upon which liberals lay great stress: the rights of minorities and dissentients to express their own opinions, the rights of enquiry, and the right to influence, without prejudice, by the appeal to reason.

Unless we can suppose that our consciences are infallible, and that there is a common consensus of agreement in the community, it is only by emphasising our subsidiary obligations to criticise our own opinions and to ensure that government is sensitive to criticism, that the conditions in which we are free to act and be governed by our reflective consciences can be maintained. It is only in the willingness to submit to the tests of practical reason that the liberal right to live by our own consciences can be reconciled with the democratic right to rule ourselves.

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