

Article

Thinking about the Law with Edmund Burke

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Abstract: Burke intervened in a very significant way at various moments in the political history of the England of his time. Although being considered by some commentators to be a utilitarian, in fact, it is Burke's fidelity to the principles of natural law that makes all his political interventions coherent. The aim of this paper is to analyze the subordination of positive law to natural law and original justice in Burke's thought, and we will achieve that by perusing his works through different periods of his career. In order to better understand his position, we will call to the conversation John Locke, from whom he departs, and Francisco de Vitoria, with whom he shares the notion of a society-dependent human nature. From the prophetic views of Burke and Tocqueville about the future, and as a kind of conclusion, we will question if the reference to natural law makes sense in present times.

Keywords: Edmund Burke; positive law; natural law

1. Introduction

Edmund Burke was an 18th-century English Whig parliamentarian, Irish by birth, who, today, is known above all for his criticism of the French Revolution. However, in his time, his influence was much broader. Even today, even if his work is brought to our attention through its anti-revolutionary criticism, we soon realize the immensity of the subjects and themes to which he devoted himself and the great impact of his influence on his long parliamentary career in the House of Commons, far beyond his criticism of the French Revolution.

Burke intervened in a very significant way at various moments in the political history of the England of his time. Examples of this are: his defense of liberties in his native Ireland; his views on the American Revolution and British–American relations in general—although he did not support the American Revolution. He criticized George III's abstract principles of governance; his criticism of the English administration in the East Indies materialized in the impeachment of Warren Hastings, the first Governor General of Bengal and, finally, his criticism of the French Revolution.

Good governance is always dependent on the fair implementation of the law. Thus, all these political “battles” in which he intervened accentuate a particular vision of law and justice that we will try to analyze here. To carry out this analysis, we will look at the attributes that Burke believed belong to the notion of law that is applied transversally and coherently throughout his political interventions.

We will now list some assumptions that we believe are necessary to understand the relationship that Burke establishes between law and principles, which determine the fundamental characteristics that define the law.

- Positive human law, in order to be called such, must be an instrument of justice and be in accordance with natural law;
- Since the concept of natural law is prolific, we need to examine what meaning Burke gives it and the origin of his choice: human reason participates in the divine intellect and can identify principles of natural law, which emanate from God himself, which are moral principles evident to the human intellect, capable of distinguishing good from evil and right from wrong.



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- In Burke, there is a notion of classical natural law with its remote origins in Cicero and fixed in the Middle Ages by St. Thomas. Burke explicitly follows these authors and distances himself from Hobbes (Strauss 1953, p. 295);
- Although Burke is considered by some commentators to be a utilitarian, an interpretation which started with John Morley (Morley 1867, pp. 20–24) and continued with Sir Leslie Stephen and William Lecky, among others (Stanlis 1991, p. 5), for him justice is not the result of majority consensus, nor does it correspond to the benefit of the greatest number. The practical politician, as it is in Burke's case, needs to think about the common good, and if this common good coincides with the good for the greatest number, we are faced with a prudentially convenient coincidence, but this is not decisive for the characterization of what is just: the condemnation of an innocent person may benefit the majority, but it does not achieve the common good of justice;
- There is a human nature that must be respected and realized in a particular way. The polysemic notion of human nature, difficult to grasp and pin down, with a lot of variation and ambiguity implicit in it, whose plurality of meanings led David Hume to reject the concept and its usefulness, is synthesized by Burke into a model with a Jewish–Christian denominator: a nature created in the image and likeness of God.
- Human nature is a rational, moral and free nature, with the intrinsic ability to distinguish good from evil and true from false, which stems from its condition of being *imago Dei*, illuminated by revelation. However, despite his notion of human nature being primarily shaped by the Christian religion, Burke does not reduce the possibility of achieving the perfection of this nature to the Christian ideal and religion. When he sets out to defend Indian culture against British despotism, he invokes his reading of the codes of Genghis Khan, Tamerlane and the Mohammedan laws that take account of the “natural order of things” (Burke 1867b, pp. 231–32). Human nature has its own way of realizing its identity, as a rational nature, which, despite being presented to Judaeo–Christian society with a pedagogically evident and compassionate model, does not exclude other models that lead to its realization.
- The ultimate foundation of the law is justice, anchored in the principles of natural law, as defined above;
- Law and arbitrariness are incompatible terms. To do otherwise would be to admit that the only possible law would be the law of the strongest;

Thinking about these issues with Burke is a good way of thinking about the actuality of his thought. Presenting these guiding principles of his conceptions of law and justice forces us to think about the alternatives to this model of thought: is it possible to present a moral and ethical vision without adopting any standards? Or will the consequence inevitably be arbitrariness and despotism? Or is it possible and desirable to return to natural law as Burke understands it in order to prevent a pulverization of ethics, which is another way of assuming its complete dissolution?

2. Natural Law, Positive Law and Human Society

2.1. Positive Human Law Is a Subsidiary of Natural Law

Burke had a solid legal background, which comes, on the one hand, from his schooling and, on the other, from the zeal with which he carried out his duties as a parliamentarian, which led him to prepare comprehensively to be able to fulfill his duties.

When he lost his re-election for Bristol, he said: “(...) I wish to be a member of Parliament, to have my share of doing good and resisting evil. It would therefore be absurd to renounce my objects, in order to obtain my seat” (Burke 1865b, pp. 421–22). It is therefore in the name of this mission, which follows the first precept of natural law: “Good is to be done and pursued, and evil is to be avoided”, that Burke exhaustively prepares for each of the parliamentary discussions in which he takes part. It should be emphasized here that this objective—to do good and avoid evil—has a different resonance in Burke than it does today: for Burke, good is not something subjective that can be synonymous with convenience; there is an objective notion of good and a correct way of achieving this human

ideal, in a parliament, in governance, in private life. The model for realizing man's rational and free nature cannot only be considered subjectively and involves respect for his natural rights, as set out in the classical conception of natural law: the right to life, liberty and property, the latter through the respect that must be shown for the work carried out by a free man.

It is also this motto that guided him in his choice of causes. The concern to link the law to justice and define its limits was to be crucial and was to play a structural role in his approach to all his battles in defense of freedom, to "do good and resist evil". To list just a few: the defense of liberties in his native Ireland; the defense of the American colonists; the defense of the peoples of India under English administration, namely the protection of these people from the tyrannical administration of Warren Hastings, and finally the critique of revolutionary tyranny in the French Revolution. The definition of law that he adopted would operate throughout his parliamentary career and on all these fundamental issues.

The order and prosperity of society depends on the law, which is an instrument of authority for social order, but the creation and enactment of laws cannot be arbitrary and meaningless. This means that, although it stems from human will, it cannot be sustained by this will alone. Reflecting on the state of degradation and abject submission in which his native Ireland found itself, he says:

"It would be hard to point out any error more truly subversive of all the order and beauty, of all the peace and happiness, of human society than the position that any body of men have a right to make what laws they please, or that laws can derive any authority from their institution merely and independent of the quality of the subjectmatter". (Burke 1866b, p. 322)

If laws, despite being instruments of the human will, cannot depend solely on this will for their validity, then where is the ultimate foundation of laws to be found? In another passage from the same work, *Tract on the Popery Laws*, Burke says: "All human laws are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice." (Burke 1866b, p. 323). Human laws have the very convenient function of declaring what realizes justice in a given context, but they do not define or determine original justice.

The French Revolution, governed by abstract principles, portrayed a modern way of perceiving natural rights, which departed from classical natural law, because its axis of consideration of these rights became individual and not social. Thus, Burke's criticism of the Revolution and the rights it defended led some of Burke's commentators, such as John Morley, Sir Leslie Stephen and William Lecky, as stated above, to identify him with a utilitarian position, reducing his political proposal to convenience. Many of his speeches were not compatible with utilitarianism. Repeated references to natural law appear throughout his political battles, but these references have been ignored, above all because the interpreters who launched this reading of Edmund Burke were themselves utilitarians (Stanlis 1986, p. 34)¹. This interpretation remained dominant, although not always with the same nuances, until the extraordinary work carried out by Leo Strauss in *Natural Right and History* (Strauss 1953, p. 295), and later by Peter Stanlis, in *Edmund Burke and the Natural Law*, which definitively demonstrated the author's fidelity to the principles of natural law. Curiously, it is this affiliation that makes all his political interventions coherent.

The reference to "original justice" projects the discussion about the law onto a level that is not circumstantial and that gives a horizon of universality to the criterion of justice. In fact, the possibility of finding a foundation for justice that transcends the circumstantial and casuistic decision is rooted in two fundamental elements:

- In man's relationship with God—human beings are created in the image of God, who imprinted in them the means of distinguishing good from evil and right from wrong through their reason. The principles of natural law would be universally recognized by right reason, even if the relationship with the Creator was still hidden from our eyes.

- In man's relationship with humanity, which derives directly from the previous relationship. We can legitimately ask ourselves here whether the absence of a relationship with God, or with a creator who transcends us, obstructs our perception of a shared humanity. Perhaps it does. We only must see that today we are witnessing many substitutes for this common original relationship in order to guarantee current perceptions of this shared humanity: "mother nature", and the "universe", is used to explain this fraternal bond, God is rejected in order to deify nature.

For Burke, morality, whose primordial source is God, is mirrored in the divine creation that is humanity, and so the relationship with one's fellow man presupposes a principle of fraternity that results from having a common Father, leading to the discovery of a shared moral universality (Moreira 2012, p. 144).

Burke's appeal to a paradigmatic law that sanctions our positive formulations of the law is explicitly and repeatedly invoked throughout the impeachment of Warren Hastings, whose tyrannical actions Burke was fighting. In these texts, Burke invokes the subordination of human law to natural law, to explicitly refute the application of the particular criteria of morality and justice in the administration of the Indies:

"He has told (...) in his defense that actions in Asia do not bear the same moral qualities which the same actions would bear in Europe (...) we positively deny that principle. I am authorized and called upon to deny it. (...) these gentlemen have formed a plan of geographical morality, by which the duties of men, in public and private situations, are not to be governed by their relation to the Great Governor of the Universe, or by their relation to mankind, but by climates, degrees of longitude, parallels, not of life, but of latitudes (...) This geographical morality we do protest against". (Burke 1867a, pp. 447–48)

The function of human positive law is to make applicable the principles directly derived from divine law: natural law and the law of nations, by adapting its principles to the circumstances. The fact that Burke takes into account that the code of Tamerlane, in India, or that of Genghis Khan also strove to secure a justice that was identical in its defense of the dignity of peoples (Burke 1867c, pp. 231–32),² and the fact that Burke denies the exclusivity of this defense of Western Christian principles means that his proposal is not, either, that of a geographical morality. Burke does not expressly propose the Western model of governance for the peoples of the Indies, but even recognizes that England should govern its colonies, in this case India, with respect for the culture and idiosyncrasies of the colonized peoples. In fact, it is a question of recognizing the universality of human dignity; the fundamental role of positive human law is to make the generic precepts of natural law precise. Burke presents this law in the classic Western formulation familiar to him, that is, as a set of generic precepts discovered through the participation of human reason in the divine intellect. Human laws themselves would participate in this sacred character insofar as they embodied the modest and circumstantial collaboration of the human creature in the work of creation through the transposition of these principles into proximate laws that would regulate the contingent:

"There is but one law for all, namely, that law which governs all law, the law of our Creator the law of humanity, justice, equity—the Law of Nature and of Nations, so far as any laws fortify this primaeval law, and give it more precision, more energy, more effect by their declarations, such laws enter into the Sanctuary, and participate in the sacredness of its character". (Burke 1867b, p. 225)

2.2. *The Realization of Human Society within a Framework of Binding Natural Law*

Burke presents a vision of the social contract that is well known (Burke 1865a, p. 359): Society is indeed a contract, but it is a contract that is different from those that are established in order to obtain material goods; it is a contract that commits past, present and future generations. It is an organic social contract, transversal to the various generations and hierarchical in each of them, both among the members of society that compose it, and in

the fact that it corresponds to a link in a chain that connects us to the transcendent. This last element is the most important to characterize the connection of Burke and the society he proposes with natural law:

“Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures each in their appointed place. This law is not subject to the will of those who, by an obligation above them, and infinitely superior, are bound to submit their will to that law”. (Burke 1865a, p. 359)

These characteristics are specific to the adhesion to a classical notion of natural law. What we find in the modern doctrines of natural rights, especially in the doctrines that had their roots in Locke and his *Second Treatise on Civil Government* (Locke 1967, p. 368), which Burke would come to fiercely criticize in their revolutionary outbursts, is a shift in the discussion about rights that no longer has its center in human society. Although being its fundamental support for the realization of all the rights of human nature, it is the very nature of society that is subordinated to the defense of these rights, which have an individual origin; it is no longer society that is the source and origin of these rights, as it is the case in the perception that man’s nature is originally social, and is in relation to a transcendent order which allows its realization.

Through Locke’s heirs, especially in the French revolutionary heirs where the moderating British social and reflexive context was absent, the search for fulfilment is autonomous and society responds to the need to pursue individual rights, perceived as belonging to human nature and existing independently of society. Locke introduces the notion of an autonomous human nature, which consents to social life in order to defend its own rights and whose nature of society and its bonds is merely contractual. This is a nature that is destined to pursue its own happiness with a perception of self-evident natural rights, which is different from the organic perspective that Burke presents, a perspective subordinated to an idea of communion with a transcendent order in which man participates and with which he collaborates. As Burke himself says, “Art is man’s nature” (Burke 1866a, p. 176). It is impossible to think of human nature beyond the complex artificial development that takes place within society. Thought of individually, human nature would be a matrix awaiting development, including the capacity of acquiring language and developing a sense of morality (de Vitoria 1991, p. 8).³ It was precisely this change in meaning that led Burke to state that the rights defended by the French revolutionaries were of a nature that could make the enjoyment of natural rights that took society itself into account unfeasible:

“The pretended rights of man, which have made this havoc cannot be the rights of the people. For to be a people and to have these rights, are things incompatible. The one supposes the presence, the other the absence, of a state of civil society”. (Burke 1866a, p. 188)

Linking the realization of individual human beings to the realization and improvement of the society to which they belong also implies that the politician must take into account the circumstances and the realization of the legitimate expectations of the governed in the present moment. This is because the commitment to a transcendent order is not equivalent to the successive postponement of the possible political good. In dealing with political reality, existence manifests, in fact, the first of all perfections: the politician cannot seek an abstract perfection, postponed indefinitely, a search that Burke criticizes in the French revolutionaries, who in the name of this perfection discard the possible happiness of the generations over which they govern. He disapproved of the same politics in the English rule of Ireland: justifying tyrannical rule in the name of a better future cannot correspond to postponing the happiness and enjoyment of the benefits of a society for generations:

“But there is not yet such a convenient ductility in the human understanding as to make us capable of being persuaded that men can possibly mean the ulti-

mate good of the whole society by rendering miserable for a century together the greater part of it—or that any one has such a reversionary benevolence as seriously to intend the remote good of a late posterity, who can give up the present enjoyment which every honest man must have in the happiness of his contemporaries”. (Burke 1866b, p. 333)

But could this mean that Bentham’s principle of the greatest happiness for the greatest number is to be found in embryonic form here? It is true that Burke was a practical politician, and to that extent he takes into account the benefits of society as a whole. It is also true that, if this benefit is possible, it is a favorable, expedient and prudent coincidence. But it does not seem to replace the character of justice. A measure or a law that makes an entire community unhappy is certainly not a good law. It is therefore a necessary criterion for a good law to strive for the common good, but the common good cannot be subsumed under the good for the greatest number, but is rather a good that, in the tradition of natural law, seeks the fulfilment of the individual within a community by guaranteeing respect for the dignity of each person. If an innocent person is condemned for the good of the majority, the common good of justice is not achieved. Burke gives us reason to think that the good of the greatest number is not the only criterion, or perhaps not even the priority criterion for the good to be sought politically. The following passage, which is taken from a parliamentary account of a speech he made, makes this point:

“(.. .) he had British feelings, but he would nevertheless take the part of an enemy when he appeared to him to be oppressed. If, for instance, an enemy should be murdered after surrendering himself, he would stand forward as the prosecutor of his murderer: if, for instance, an enemy should have his property seized after capitulating, he should find an advocate in him: and if, for instance, an enemy complained of the minister having broken the faith of government with regard to him, he should find an advocate in him, and, he trusted, in the British House of Commons”. (Burke 1816, p. 324)

Since Burke was a practical politician, his defense of the individual’s right to enjoy the common good of justice is exemplified in this specific passage, which recounts particular circumstances: The expropriation of property by the British Crown on the island of St. Eustatius was under discussion, and Burke came to defend the right to property and, consequently, the right to justice, against the prerogatives of the state. In the name of justice and equity, the particular good of the individual in question takes precedence over the good of society in general, or of the majority, if what is at stake is the possibility for this particular individual, even if he were an enemy, to enjoy the common good of justice and property, and even if the majority is the society to which Burke belongs.

3. Human Freedom: Between an Objective Norm and Subjective Arbitrariness

After perusing all the classical Burkean connections between human society, human nature and natural law, we will turn now to the present, to a society that lost the common ground given by natural law in a post-modern mental frame. Thinking about contemporaneity can also be based on Burke’s prophetic vision: “But the age of chivalry is gone. That of sophisters, economists, and calculators has succeeded; and the glory of Europe is extinguished forever” (Burke 1865a, p. 331). Burke was thus expressing his concern about the future predominance of abstract reasoning that dispensed with the transcendent, and would constitute a positive approach to the material aspects of human life, and indeed, nowadays, sophists, economists and accountants are very successful in “intellectual” production, and in the interpretation of what matters in life, not only in Europe, which for Burke was the high point of the culture of his time, but in the entire world that calls itself civilized.

The materialism that predominates in a certain way of thinking has cut off and limited the ethical horizon of human growth. The human aspiration is no longer to morally surpass oneself, but to succeed in the material achievements of one’s life. The human model is no longer one that invites us to surpass ourselves morally, but one whose center of gravity

is predominantly materialistic. By valuing sensitivity as a way of apprehending reality, a characteristic that stems from the fact that we give less and less space to cultivating a meta-empirical dimension of existence, we end up reducing the world to what we feel and thus end up privileging human materiality. This reduction in meaning has repercussions on all human decisions that lack a telos, a purpose and a meaning.

The lack of a transcendent meaning and the lack of conviction that this meaning is essential to the realization of human nature leads to a relativism that permeates all aspects of our lives: there is no human nature, and, above all, there is no model for its realization; there is no truth, but only a personal and particular truth. The difficulty of a position like this is that, taken to its ultimate consequences, it leaves us with no ground for dialog or encounter between different positions.

Relativism dispenses with an objective notion of human nature. Everything is subject to the inclination of the moment and the reduction of meaning to subjectivity predominates today in discourse, decisions and life. At present, the intellectual environment suggests that this is the horizon. But pure subjectivity isolates us and does not satisfy our human nature; however, we do not know how to get out of this dead end, because for a long time, perhaps even since the French Revolution, which worried Burke so much and had such a great impact on him, the other possible paths were blocked, and a form of materialism has soaked our way of thinking (Bloom 1988, p. 28).

Today, we value and privilege new values, we privilege precisely those values that best safeguard our subjectivity: the value of dialogue, of tolerance and of human freedom as indeterminacy. But is there even a horizon for dialogue in pure subjectivity and pure relativism? Or is this kind of “dialogue” only apparent, a collection of monologues where what we call “tolerance” predominates, which Burke would say is indifference: “[t]hat those persons should tolerate all opinions, who think none to be of estimation, is a matter of small merit. Equal neglect is not impartial kindness” (Burke 1865a, p. 431).

The rejection of an objective notion of human nature leads to a definition of freedom as indeterminacy: for those who have no destination to reach, all paths must be valid. Freedom as indeterminacy that today invades our most basic social aspirations invites us to go back to Burke and his assessment in the repercussion of the French Revolution when commenting on the freedom that the French revolutionaries claimed for themselves:

“Why speculate on the measure and standard of liberty? I doubt much, very much indeed, whether France is at all ripe for liberty on any standard. Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites,-in proportion as their love to justice is above their rapacity,-in proportion as their soundness and sobriety of understanding is above their vanity and presumption,-in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves”.

(Burke 1866a, p. 10)

Human freedom is not pure indeterminacy, but this vision of freedom seems to be veiled from the gaze of 21st century man. The consequence of a vision of freedom as indeterminacy has repercussions on the choices that the society of our time adopts: The challenges of science are seen as impossible to restrict; even genetic determination is seen as an insult to a human freedom seen as indeterminacy.

Sophistically, the stage is often taken, particularly on social media, to defend the reduction of all things to the perspective of our particular will, or rather, our distorted appetite. The horizon of the ephemeral and the temporary has taken the place of the laborious virtue, there is no need to cultivate virtues, virtue is called into question because the defense of a proper way of human fulfilment is especially out of fashion, and the idea that there is no objective good to be achieved is widespread.

Human nature is often seen as an empty concept, or something waiting to be determined by our will; it is believed that human nature is a matter of choice, or of many choices made along the way. And the current of thought that defends this type of arbitrariness as synonymous with freedom, predominant in some intellectual circles, stifles and cancels

counter-current thinking. And although today we claim freedom as indeterminacy, which seems to be the closest concept to total freedom, we have failed to achieve real freedom. Society seems to increasingly demand a uniformity of thinking that destroys freedom.

Contemporary challenges seem to have started a long time ago. Today's counter-current thinking, which fortunately exists and resists, faces a challenge like that posed to Burke in this lucid passage from the *Appeal from the New to the Old Whigs*:

“That this fictitious majority had fabricated a Constitution, which, as now it stands, is a tyranny far beyond any example that can be found in the civilized European world of our age; that therefore the lovers of it must be lovers, not of liberty, but, if they really understand its nature, of the lowest and basest of all servitude”. (Burke 1866a, p. 71)

In fact, the problems facing Burke in the 18th century thinking about a tyrannical Constitution were not so different from those facing society today, and the answer to these problems is perhaps not so different either, to show, as Burke did, and as Tocqueville did in the following century, that tyranny takes many forms and that it is possible to support tyranny in the belief that you are encouraging freedom. Today, as in Burke's time, it is good to remember, in the name of the freedom we love, that: “No man, under the false and hypocritical pretence of liberty of conscience, ought to be suffered to have no conscience at all.” (Burke 1866d, p. 452) and the reason for this caution is that: “Love of liberty itself may, in such men, become the means of establishing an arbitrary domination” (Burke 1866c, p. 296).

Contrary to what we might think, cancel culture is not produced by following only majority opinions, this can happen, and frequently is a form of dictatorship by the majority, but sometimes it is just the opinion that gets heard the loudest, which does not mean that this opinion does not take over the decision-making centers and that the state does not end up limiting the freedom of citizens by making decisions for them, and we can see that in educational projects supervised by the State that do not respect the diversity of opinions present in families.

In fact, as Tocqueville said, one of the limitations of democracy is the helpless submission of the multitudes who accept and are satisfied with the tutelage of the state and of a state that is interested in keeping the people satisfied, but infantilized and incapable of making decisions or choosing their own path:

“The first thing that strikes the observation is an innumerable multitude of men all equal and alike, incessantly endeavoring to seek the petty and paltry pleasures with which they glut their lives. (. . .) above this race of men stands an immense and tutelary power, which takes upon itself alone to secure their gratifications, and to watch over their fate. That power is absolute, minute, regular, provident, and mild. It would be like the authority of a parent, if, like that authority, its object was to prepare men for manhood; but it seeks on the contrary to keep them in perpetual childhood (. . .). The will of man is not shattered, but softened, bent, and guided: men are seldom forced by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd”. (de Tocqueville 2012, pp. 1249–50)

However, the challenge facing us is to think again about an objective meaning for the fulfilment of human nature before it is too late to save that nature. We must accept that “All things are lawful, but not all things are profitable. All things are lawful, but not all things edify” (St. Paul, 1st Corinthians chap. 10: 23).

4. Conclusions

Throughout this article, we have looked at Burke's classical thinking, which based the rule of law that characterized the state, on submission to natural law. Guaranteeing justice was not just the work of human autonomy and its laws but was guaranteed by the conformity of these laws with natural law. Underlying this conviction was the idea that there was a human nature to be realized and that this realization was only possible in obedience to a paradigm that man could access through the participation of his reason in the divine intellect. Thus, if the foundation of natural law was primarily in God, its near realization depended on human nature (Westerman 1998, p. 287). However, today's society has lost the reference both to God and to a human nature, created in the image and likeness of God, with such characteristics that it requires a specific way of realization.

We are now often prepared to give up the freedom to think and be in the name of conforming to standards imposed on us by the most varied dominant ideologies. Paradoxically, in our society, tutelage and repression often take place in the name of the justified defense of formerly oppressed minorities, without really assessing whether diversity and freedom of thought are not now threatened. This type of power, which aims to maintain control over society using any kind of fears, is not truly political in its genesis, but rather despotic (Crick 1964, p. 172), a situation anticipated by both Burke and Tocqueville, as we pointed out above. This power is interested in guarding society, under the veiled threat of the danger of society going astray by adopting old forms of intolerance, while embodying the opposite intolerance, now manifested against non-uniform thought.

Burke said of the French that they acted upon society as the French gardeners acted upon their gardens (Burke 1865a, p. 461), and indeed so does man today in supposing that everything in human nature depends on his decision, the decision of his will. Just as the French gardeners had no respect for the aesthetic freedom of the natural form of the tree, conforming it to the design of their plan, so today contemporary man wants to subjugate the freedom of our nature to the plan of our modest reason and indomitable will, with consequences for nature and society.

Today, we are faced with an adulterated search for meaning, which replaces the value of being with the value of having: treating our body and our being as our own property, to have pleasure, be free from definitive commitments, be able to produce our own nature free from "conventions". In the name of all that, the meaning of life itself is distorted and many deviant paths that disrespect a true integral ecology are nurtured. Let us first seek the meaning of the supernatural realization of the human being, which is the only way to realize a natural being with essential aspirations that go beyond him, and all other deviations will be corrected.

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Notes

¹ See "It is impossible here to analyze in detail the nature and origins of the various errors of omissions, irrelevant intrusions, false distinctions, misinterpretations, and contradictions which run through the evaluations of Burke's utilitarian and positivist critics. The 'sophisters, economists, and calculators' whom Burke predicted would triumph after his era, garbled his principle of prudence, misunderstood his distrust of abstract metaphysical rights, failed to consider his conception of the law of nations, and refused to treat seriously his appeals to 'nature' even when they were aware of them, yet they claimed him for themselves and imposed their claim on the twentieth century", (Stanlis 1986, p. 34).

² See "On one side, your Lordships have the prisoner declaring that the people have no laws, no rights, no usages, no distinctions of rank, no sense of honor, no property,—in short, that they are nothing but a herd of slaves, to be governed by the arbitrary will of a master. On the other side, we assert that the direct contrary of this is true. And to prove our assertion we have referred you to the Institutes of Genghis Khân and of Tamerlane; we have referred you to the Mahometan law, which is bidding upon all, from the crowned head to the meanest subject,—a law interwoven with a system of the wisest, the most learned, and most enlightened

jurisprudence that perhaps ever existed in the world (. . .). The rights of the people are everything, as they ought to be, in the true and natural order of things” (Burke 1867c, pp. 231–32).

- ³ In this respect, Burke would be close to the conclusions of Francisco de Vitoria in the *Releccio De Potestate Civili*, who, following Aristotle and Cicero, shows in this *Releccio* how without society man could not develop as a man, neither rationally nor ethically; therefore, the humanization of man himself is a development of a social character: “For since it is agreed that the soul is composed of two parts, understanding and will. is it not also the case, as Aristotle teaches in *Nicomachean Ethics* (1103”14–18), that the understanding can only be perfected by training and experience? And these cannot be gained by living in isolation from our fellows. In fact, in this respect also we seem to be at a disadvantage compared to brute animals, for whereas they are able to understand the things that are necessary for them on their own, men cannot do so. 3. Aristotle also declares that language is the messenger of understanding, and was given to man solely for this purpose, so that in this one respect he excels or surpasses all other animals. Now language could not exist outside human partnership (*Politics* 1253”14–16). Even if it were possible for wisdom to exist without language, it would be a rough and uncouth wisdom (. . .) 4. And again, in the case of will, whose ornaments are justice and amity (*amicitia*), what a deformed and lame thing it would be outside the fellowships of men. Justice can only be exercised in a multitude; and amity, ‘which we use on more occasions than fire and water themselves’, as Cicero says (*De amicitia*) 6. and apart from which Aristotle says no virtue can exist (*Politics* 1253”38–40), would disappear completely without some sort of shared life.” (de Vitoria 1991, p. 8).

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