

6. Scottish and French Enlightenment J. Mackintosh and the revolution controversy in Great Britain

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Abstract

Edmund Burke's *Reflexions on the Revolution in France* provoked one of the most fertile political debates in Great Britain. As a response to the French revolution and declaration of 1789, Burke received instantly numerous responses, namely by Thomas Paine, Mary Wollstonecraft and others; this paper examines the Scottish enlightenment involvement in this debate through James Mackintosh's response to Burke this encounter of British and French enlightenment will illuminate our modern vision of human rights theories.

Keywords: Scottish and French Enlightenment, J. Mackintosh, the revolution controversy in Great Britain.

Full Text:

In 1789, France turns Europe upside down with its Revolution and the precious Declaration of the Rights of Man and of Citizen. Symbol of the emancipation of the French people and of every man against oppression, this text comes to claim the fulfilment of the natural rights of man in society. Across the English Channel, a hundred years earlier, a revolution also took place, resulting in the Bill of Rights, which was summed up in large part in the claim of limitation of royal power.

Two revolutions so close and yet so different, unveil two profoundly opposed perceptions of politics. Thus, the radicalism of the French Revolution and its absolute rejection of the old regime shocked the British moderation and gave birth immediately to a wide debate upon political principles.

In his *Discourse on the Love of our Country*, pronounced on the occasion of the centenary of the Glorious Revolution of 1688, Price praises the French revolution and compares it to the Glorious. The discourse provokes the rage of Burke, for interpreting à la française the Bill of Rights.

Burke's response was immediate and his *Reflections on the Revolution in France*, historically decisive text, obscures that of Price. Indeed, the power of burkean argument raises a debate that will extend to entire Europe. Deeply influenced by the liberal Anglo -Saxon thought and defendant of British rule, Burke takes to draft constitutional and administrative reform of the National Assembly of France. The distinction of "real men's rights" and "human rights" of the Constituent Assembly itself, led Burke to consider that man has the "right "for a good government, but because of the inequality of human faculties, this is more likely to be realized under the direction of a" true natural aristocracy." Human rights may be

true metaphysically, but in politics they are just false.

Firm guardian of British tradition and established church, Burke defends the British rule with violent condemnation of French practices. But instead of convincing the British and other Europeans of the perversion of French revolutionaries and their incompetence to found a new state, he provokes essentially a principle defense of the French Revolution. His polemics initiated immediate praise of the French Revolution and of its protagonists' practices, it was almost a reflex. The revolution controversy gets at once full attention and Burke gets an enormous amount of responses by various pamphleteers.

Philosophers and thinkers respond instantly to the attacks. The main argument is obviously based on the nature of the declared rights and their relation to the nature of the human species.

Alfred Cobban considers this debate as being "perhaps the last real discussion of the fundamentals of politics in this country" and the amazing effect would be that the "discussion centers on British society, what it is like and what it ought to be like." From 1791 to 1793 there have been numerous responses to Burke's *Reflections*, among them few of the most pertinent texts demanding parliamentary reforms in Great Britain by radicals such as Thomas Paine and Mary Wollstonecraft.

I chose to examine here Sir James Mackintosh's *Vindiciae Gallicae*, written in 1791 as a response to Burke's attacks; Mackintosh focuses on the political dimensions of human rights. The *Vindiciae Gallicae* are considered by Burke as the only worthy of a response by him. Mackintosh takes the *Reflections* and refutes their arguments one by one, by adopting, at the same time, a language similar to that of Burke's writing. He connects the Scottish to the English response to French



trying to explain the French affaires through a false convention, like Thomas Paine and even Edmund Burke did, would never lead to the right conclusions. Mackintosh repentant fighter against French violence and for British moderation, just a few years later. Affairs and reflects, thus, the two -leveled critic; fervent supporter of the French battle against oppression at the beginnings of the French revolution

With this paper I want to show two things:

1. That for Mackintosh, what was shown by the French enlightenment and the social contract theory, which the French revolutionaries actually achieved, would be that natural rights are necessary for the right and just establishment of civil society.
2. Even though Mackintosh changed radically his thought about French affaires by the beginning of the Terror in 1793, condemning the revolt, that doesn't compromise the political and philosophical value of his *Vindication*: civil and human rights are the transcription of natural rights, even if one rejects the social contract convention.

As Duncan Forbes points out in his "Natural law and the Scottish enlightenment" in the *Origins and nature of the Scottish enlightenment*, there were no exclusive studies of natural law in Scotland of the 18th century, which does not mean however, that there was no such thing, like Jeremy Bentham would suggest. James Mackintosh, just like Bentham but in his own way, refuses to use the social contract convention, but he defends the natural rights by a different approach changing this way the line of our debate: the social contract has never existed and



trying to explain the French matters through the idea of a convention, advanced by Paine and even Edmund Burke did, would never lead to the right conclusions. Mackintosh is loyal to the Scottish natural rights theory.

But how does society then exist? For the social contract theory sees three phases in human social evolution: the natural state of man, where man is living alone in nature, always in vital danger holding but his natural rights to life; humans unite for their own survival, by contracting one with another and abandoning all natural rights in the hands of the one or the few people in power. What they get in return is security. Man enters thus in civil society, and the question here is whether he keeps some or all of his natural rights, intact or changed, or if man becomes a citizen without any inalienable rights.

Mackintosh doesn't accept this theory, not even as a convention helping our understanding; we don't need a contract as a pretext, because men unite out of moral need, he says. The obligations of the two contracting parts are mutual, and thus rely on a common moral duty. But Mackintosh is not interested in the beginning of civil society and won't take part in that debate; what is important, he says, is society's historical evolution:

« The doctrine of an absolute surrender of natural rights by civil and social man, has appeared to be deduced from inadequate premises; and to conduct to absurd conclusion, to sanctify the most atrocious despotism, to outrage the most avowed convictions of men, and, finally, to be abandoned, as hopelessly untenable by its author. » in *Vindiciae Gallicae*, Op. Cit., p. 98.

Mackintosh defends the natural right principle in civil society and thus the human rights and the legitimacy of the French declaration of human and civil rights, as well as of any declaration of the kind.

He responds as a moderate Whig to all accusations advanced by Burke. Edmund Burke praising the British political and social establishment insists on three major faults committed by the French revolutionaries:

1. They interrupted the historical continuity by destroying the government that resulted from the wisdom acquired during centuries.
2. The French attack on private propriety and thus on natural inequality puts the French monarchy in danger.
3. Burke condemns the revolutionary attack against the French established Church, another important pillar of monarchy.

Mackintosh confronts and rejects Burke's conservative old Whig approach and advocates for parliamentary reform in Great Britain and democratic government over monarchy; he founds all his claims on his political and social vindication of natural and thus human rights. Besides, the French revolution proved the English revolution of 1688 partial and incomplete, he says.

In his *Vindiciae Gallicae*, Mackintosh proceeds to a meticulous refutation of Burke's accusations, offering a theoretical back up to the French practices.

“The Lockes, the Rousseaus, the Turgots, and the Franklins, the immortal band of preceptors and benefactors of mankind (...) their grand enterprizes of philosophic heroism must have preceded the reforms of civil Government. (...) From this progress of opinion arose the American revolution, and from this, most unquestionably the delivery of France. » in *Vindiciae Gallicae*, Op. Cit., p. 144.

The French revolution resulted from the Enlightenment and that is probably how their struggle became universal, spreading the light of freedom and political equality to the neighbour countries, oppressed and chained in injustice. As he

showed in his *Discourse on the Law of Nature and of Nations*, written later in 1799, just government must indeed be founded upon natural liberty and political equality amongst his citizens.

Rationalism and enlightenment free man and that by the art of government in the name of happiness of the majority of the people. But what would be exactly the political achievement of the French revolutionaries? For Mackintosh, the declaration of rights of 1789 marks the ideological end of the Ancien Régime in France, and the end of oppression and inequality in Europe.

It is this very declaration that establishes human rights, as being the transcription of natural rights in social condition. Besides, liberty is an innate right, a general truth that does not need being proved, he says.

As for the status of human and civil rights in society:

Society's role and mission must be conforming to the natural state of man:

« Society, instead of destroying, realizes and substantiates equality. In a state of *nature*, the equality of right is an impotent theory, which inequalities of strength and skill every moment violates. It is called into energy and effect only by society. » in *Vindiciae Gallicae*, Op. Cit., p. 93.

So actually, natural liberty finds its real place in civil society, as society is the natural condition of man; like Aristotle said, man is a political animal.

And even though he rejects the social contract convention, as we mentioned earlier, Mackintosh insists on the political necessity of the conformity of the political condition of man to his natural inclinations and rights:

« Civil inequalities, or, more correctly, civil distinction, must exist in the social body (...) But political inequality is equally inconsistent with the principles of natural right

and the object of civil institution. » in *Vindiciae Gallicae*, Op. Cit., p. 94.

The natural rights' role becomes essentially social, for they insure social stability and security. Mackintosh goes further; he considers natural rights as being the foundation of general maxims and thus being the ethical regulators of human conduct. Even though natural rights begin as individual rights, quickly, by their extended utility, they contribute to the protection of the whole of human society and of the bonds connecting men; natural rights become ethical rules by their utility.

Just like government does, natural rights insure social bounds, finding thus their real place. And so, Mackintosh closes his circle of social construction, since natural right preserves society by its utility, as a moral obligation. It is obvious that natural rights are essentially political for Mackintosh; for they not only give us society, but their utilitarian and moral function, preserve the unity of the people:

« Acting according to the natural rights of men, is only another expression for acting according to those GENERAL MAXIMS of *social morals* which prescribe what is *right and fit* in human intercourse. » in *Vindiciae Gallicae*, Op. Cit., p. 97.

As for the proper government, influenced by Aristotle and the classical approach of politics, Mackintosh argues that since society is constantly changing, government changes along; and since there was no social contract promising one kind of a government or another, Mackintosh considers it being the fruit of pure chance. It would be impossible, he says, to conceive the idea of a perfect government in pure theory and ex nihilo nor is it possible to achieve one in reality; only experience and time will give us a good or bad government. The only thing that is certain is that government is there to protect his citizens' natural rights, and thus



Burke's government is a government that guarantees freedom and equality. Like Aristotle, Mackintosh classes the political regimes, and considers Democracy as the most adequate to human nature and thus a good government; doubting at the same time the efficiency of mixed governments. The mixed British government was too corrupted, and the English people should imitate the French example.

France realised these ideals and Mackintosh was hoping that it would be a leading example for other oppressed societies; at least that is what he believed at the beginning of the French revolution and the fall of the Bastille the 14 July 1789; but his feelings about French practices changed radically in 1793, with the beginning of the Terror:

« I abhor, abjure, and for ever renounce the French revolution, with all its sanguinary history, its abominable principles, and for ever execrable leaders. » as he writes in his *Letter to George Moore*.

Suddenly Mackintosh rejects altogether the French affaires, defending warmly religion and the established order in both Great Britain and France. When writing about his prime enthusiasm for French revolution in 1804, he says:

« Filled with enthusiasm, in very early youth, by the promise of a better order of society, I most unwarily ventured on publication, when my judgment and taste were equally immature. » in *Memoirs of the Life of the Right Honourable Sir James Mackintosh*, Vol. 1, Op. Cit., p. 130.

As for Mackintosh getting close to Burke's reflections, Christian William believes that it must have started about in 1797; and not only did he repent writing his *Vindiciae Gallicae*, but he actually explains his writings personally to



Burke:

« For a time, indeed, (...) I ventured to oppose, without ever ceasing to venerate, that writer who had nourished my understanding with the most wholesome principles of political wisdom. I speak to state facts, not to flatter: you are above flattery; and, permit me to say, I am too proud to flatter even you. » in *Memoirs of the Life of the Right Honourable Sir James Mackintosh*, Vol. 1, Op. Cit., p. 87.

Mackintosh, gives fully the Scottish touch to the English response to French affairs at the beginning of the '89 Revolution, mostly concerning natural right philosophy. And that would be the interesting part of his contribution to our famous debate: we see how a different approach of the natural and human rights of the French's view, can however recognise the 'universality', claimed by the French, of the Declaration of the human rights in 1789.

And independently of Burke, Mackintosh was disappointed in the violent turn French affaires took in 1793, and his hopes for democratic reforms were transformed in a pure conservatism. Nevertheless, I believe I showed that Mackintosh's study of the French case went beyond its strict limits, to achieve a more general level of political reflexion. I don't think he repents actually his political analysis, but he was merely disappointed in the example he chose; but even if it was so, I'm happy he did write his *Vindication...*

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