

primarysourcedocument

The Representation of the Commons in the Parliament

The Representation of the Commons in the Parliament

“Speech on the Reform of the Representation of the Commons in Parliament”

(Abridged)

7 May 1782

By Edmund Burke

[Burke, Edmund. “Speech on the Reform of the Representation of the Commons in Parliament.” 7 May 1782. In *Select Works of Edmund Burke*. A New Imprint of the Payne Edition. Foreword and Biographical Note by Francis Canavan. Indianapolis, Ind.: Liberty Fund. 1999. Vol. 4: 15–30. 5/17/2017. <http://oll.libertyfund.org/titles/659>]

All endnotes, unless otherwise noted, and the Editor’s Preface, are those of the editor of the Liberty Fund edition.

EDITOR’S PREFACE:

On this day [7 May 1782], William Pitt the Younger (1759–1806) made a motion in the [British] House of Commons for a committee to inquire into the state of the representation of the Commons in [the British] Parliament. The geographical distribution of seats in the House of Commons had changed little in centuries (and was not to be changed until 1832). The right to send representatives to Parliament was therefore a product of history and conformed to no discernible rational pattern. Populous cities of recent growth elected no members of Parliament, while “decayed,” thinly populated, old boroughs elected two; counties suffered disparities, since large counties had only two members of Parliament, just as small ones did. In addition, seats in the Commons were shamelessly bought and sold.

A demand for the reform and more even distribution of the representation of the people had been first formulated only a decade earlier. The parliamentary reform movement was at the beginning not a widely popular one; the great unrepresented towns showed no enthusiasm for it. England was still a predominantly agricultural country ruled by a landholding aristocracy, and the nation was content to have it so. Even the reformers, by and large, sought only moderate changes in the representative system, but the American, and later the French, revolutions fostered radical ideas of democracy based on the [[16]] natural right of individual men to govern themselves. It was characteristic of Burke that he focussed his attention on this radical ideology and attacked it as a deadly threat to the aristocratic constitution under which England had flourished for so long.

Yet Burke, and the Rockingham Whigs whose spokesman he was, were, in their own way, reformers. As they saw the matter, the corruption of politics was due to the undue influence of the Crown on elections to and votes in Parliament. To reduce this influence, Burke had proposed his “economical reform” bill in 1780 (little of which was actually passed). It sought to eliminate many of the sinecure jobs in the royal

household (which could be held by members of Parliament) and to trim the king's civil list, which the Treasury used as a campaign fund in parliamentary elections. Farther than that, however, the Rockingham Whigs refused to go.

This attitude explains both why Burke wrote his speech on Pitt's motion and why it was never delivered. The Parliamentary History of England shows that Pitt made his motion on the 7th of May and that it was debated and rejected on that day but makes no mention of a speech by Edmund Burke. The reason probably is that on the preceding day Burke had gotten leave to introduce another economical reform bill, and his friends dissuaded him from alienating Pitt by attacking his motion, since they wanted his support for economical reform.

Burke later wrote what is at least an initial draft of the speech he would have given, but never published it. His literary executors found it among his papers after his death and published it in volume 10 of their edition of his Works, from which the following document is taken. Incomplete though it is, it is presented here because of the important contribution it makes to our understanding of Burke's political theory and of his idea of representation in particular.

SPEECH:

Mr. speaker,

We have now discovered, at the close of the eighteenth century, that the Constitution of England, which for a series of ages had been the proud distinction of this Country, always the admiration, and sometimes the envy of the wise and learned in every other Nation, we have discovered that this boasted Constitution, in the most boasted part of it, is a gross imposition upon the understanding of mankind, an insult to their feelings, and acting by contrivances destructive to the best and most valuable interests of the people. Our political architects have taken a survey of the fabrick of the British Constitution. It is singular, that they report nothing against the Crown, nothing against the Lords; but in the House of Commons every thing is unsound; it is ruinous in every part. It is infested by the dry rot, and ready to tumble about our ears without their immediate help. You know by the faults they find, what are their ideas of the alteration. As all government stands upon opinion, they know that the way utterly to destroy it is to remove that opinion, to take away all reverence, [[18]] all confidence from it; and then, at the first blast of publick discontent and popular tumult, it tumbles to the ground.

In considering this question, they, who oppose it, oppose it on different grounds; one is, in the nature of a previous question; that some alterations may be expedient, but that this is not the time for making them. The other is, that no essential alterations are at all wanting: and that neither *now*, nor at *any* time, is it prudent or safe to be meddling with the fundamental principles, and ancient tried usages of our Constitution—that our Representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be; and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.

On the other side, there are two parties, who proceed on two grounds, in my opinion, as they state them, utterly irreconcilable. The one is juridical, the other political. The one is in the nature of a claim of right, on the supposed rights of man as man; this party desire the decision of a suit. The other ground, as far as I can divine what it directly means, is, that the Representation is not so politically framed as to answer the theory of its institution. As to the claim of *right*, the meanest petitioner, the most gross and ignorant, is as good as the best; in some respects his claim is more favourable on account of his ignorance; his weakness, his poverty and distress, only add to his titles; he sues *in forma pauperis*;[[1]] he ought to be a favourite of the Court. But when the *other* ground is taken, when the question is political, when a new Constitution is to be made on a sound theory of government, then the presumptuous pride of didactick ignorance is to be excluded from the counsel in this high and arduous matter, which often bids defiance to the experience of the wisest. [[19]] The first claims a personal

representation, the latter rejects it with scorn and fervour. The language of the first party is plain and intelligible; they, who plead an absolute right, cannot be satisfied with anything short of personal representation, because all *natural* rights must be the rights of individuals; as by *nature* there is no such thing as politick or corporate personality; all these ideas are mere fictions of Law, they are creatures of voluntary institution; men as men are individuals, and nothing else.^[2] They therefore, who reject the principle of natural and personal representation, are essentially and eternally at variance with those, who claim it. As to the first sort of Reformers, it is ridiculous to talk to them of the British Constitution upon any or upon all of its bases; for they lay it down, that every man ought to govern himself, and that where he cannot go himself he must send his Representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right, but our duty, to resist it. Nine tenths of the Reformers argue thus, that is on the natural right.^[3] It is impossible not to make some reflection on the nature of this claim, or avoid a comparison between the extent of the principle and the present object of the demand. If this claim be founded, it is clear to what it goes. The House of Commons, in that light, undoubtedly is no representative of the people as a collection of individuals. [[20]] Nobody pretends it, nobody can justify such an assertion. When you come to examine into this claim of right, founded on the right of self-government in each individual, you find the thing demanded infinitely short of the principle of the demand. What! one *third* only of the Legislature,^[4] and of the Government no share at all? What sort of treaty of partition is this for those, who have an inherent right to the whole? Give them all they ask, and your grant is still a cheat; for how comes only a third to be their younger childrens fortune in this settlement? How came they neither to have the choice of Kings, or Lords, or Judges, or Generals, or Admirals, or Bishops, or Priests, or Ministers,^[5] or Justices of Peace? Why, what have you to answer in favour of the prior rights of the Crown and Peerage but this—our Constitution is a prescriptive^[6] Constitution; it is a Constitution, whose sole authority is, that it has existed time out of mind.^[7] It is settled in these *two* portions against one, legislatively; and in the whole of the judicature, the whole of the federal^[8] capacity, of the executive, the prudential and the financial administration, in one alone. Nor was your House of Lords and the prerogatives of the Crown settled on any adjudication in favour of natural rights, for they could never be so partitioned. Your King, your Lords, your Judges, your Juries, grand and little, all are prescriptive; and what proves it, is, the disputes not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only [[21]] to property, but, which is to secure that property, to Government.^[9] They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favour of any settled scheme of government against any untried project, that a nation has long existed and flourished under it. It is a better presumption even of the *choice* of a nation, far better than any sudden and temporary arrangement by actual election. Because 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 one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of 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 prescription of government formed upon 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 almost always acts right.

The reason for the Crown as it is, for the Lords as they [[22]] are, is my reason for the Commons as they are, the Electors as they are. Now, if the Crown and the Lords, and the Judicatures, are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our Electors have their powers and privileges both made and circumscribed by prescription, as much to the full as the other parts; and as such we have always claimed them, and on no other title. The House of Commons is a legislative body corporate by prescription, not made upon any given theory, but existing prescriptively—just like the rest. This prescription has made it essentially what it is, an aggregate collection of three parts, Knights, Citizens, Burgesses.^[10] The question is, whether this has been always so, since the House of Commons has taken its present shape and circumstances, and has been an

essential operative part of the Constitution; which, I take it, it has been for at least five hundred years.

This I resolve to myself in the affirmative: and then another question arises, whether this House stands firm upon its ancient foundations, and is not, by time and accidents, so declined from its perpendicular as to want the hand of the wise and experienced architects of the day to set it upright again, and to prop and buttress it up for duration; whether it continues true to the principles, upon which it has hitherto stood; whether this be *de facto* the Constitution of the House of Commons, as it has been since the time, that the House of Commons has, without dispute, become a necessary and an efficient part of the British Constitution? [11] To ask whether a thing, which has always been the same, stands to its usual principle, seems to me to be perfectly absurd; for how do you know the principles but from the construction? and if that [23] remains the same, the principles remain the same. It is true, that to say your Constitution is what it has been, is no sufficient defence for those, who say it is a bad Constitution. It is an answer to those, who say that it is a degenerate Constitution. To those, who say it is a bad one, I answer, look to its effects. In all moral machinery the moral results are its test.

On what grounds do we go, to restore our Constitution to what it has been at some given period, or to reform and re-construct it upon principles more conformable to a sound theory of government? A prescriptive Government, such as ours, never was the work of any Legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning, and a perfect confusion of ideas, to take the theories, which learned and speculative men have made from that Government, and then supposing it made on those theories, which were made from it, to accuse the Government as not corresponding with them. I do not vilify theory and speculation—no, because that would be to vilify reason itself. *Neque decipitur ratio, neque decipit unquam.* [12] 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?

The more frequently this affair is discussed, the stronger the case appears to the sense and the feelings of mankind. I have no more doubt than I entertain of my existence, that this very thing, which is stated as an horrible thing, is the means of the preservation of our Constitution, whilst it lasts; of curing it of many of the disorders, which, attending every [24] species of institution, would attend the principle of an exact local representation, or a representation on the principle of numbers. [13] If you reject personal representation, you are pushed upon expedience; and then what they wish us to do is, to prefer their speculations on that subject to the happy experience of this Country of a growing liberty and a growing prosperity for five hundred years. Whatever respect I have for their talents, this, for one, I will not do. Then what is the standard of expedience? Expedience is that, which is good for the community, and good for every individual in it. Now this expedience is the *desideratum*, to be sought either without the experience of means, or with that experience. If without, as in case of the fabrication of a new Commonwealth, I will hear the learned arguing what promises to be expedient: but if we are to judge of a Commonwealth actually existing, the first thing I inquire is, what has been *found* expedient or inexpedient? And I will not take their *promise* rather than the *performance* of the Constitution.

...

In every political proposal we must not leave out of the question the political views and object of the proposer; and these we discover, not by what he says, but by the principles he lays down. I mean, says he, a moderate and temperate reform; [14] that is, I mean to do as little good as possible. If the Constitution be what you represent it and there be no danger in the change, you do wrong not to make the reform commensurate to the abuse. Fine reformer indeed! generous donor! What is the cause of this parsimony of the liberty, which you dole out to the people? Why all this limitation in giving blessings and benefits to mankind? You admit that there is an extreme in liberty, which may be infinitely noxious to those, who are to receive it, and which in the end will leave them no liberty at all. I think so too; they know it, and they feel it. The question is then, what is the standard of that extreme? What that gentleman, and the Associations, [15] or some parts of their phalanxes, think proper? Then our liberties

are in their pleasure; it depends on their arbitrary will how far I shall be free. I will have none of that freedom. If, therefore, the standard of moderation be sought for, I will seek for it. Where? Not in their fancies, nor in my own: I will seek for it where I know it is to be found, in the Constitution [[27]] I actually enjoy. Here it says to an encroaching prerogative, Your sceptre has its length, you cannot add an hair to your head, or a gem to your Crown, but what an eternal Law has given to it. Here it says to an overweening peerage, Your pride finds banks, that it cannot overflow: here to a tumultuous and giddy people, There is a bound to the raging of the Sea. Our Constitution is like our Island, which uses and restrains its subject Sea; in vain the waves roar. In that Constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence, which constitutes, and is the only thing, which does constitute, the proud and comfortable sentiment of freedom in the human breast. I know too, and I bless God for my safe mediocrity; I know that, if I possessed all the talents of the gentlemen on the side of the House I sit, and on the other, I cannot by Royal favour, or by popular delusion, or by oligarchical cabal, elevate myself above a certain very limited point, so as to endanger my own fall, or the ruin of my Country. I know there is an order, that keeps things fast in their place; it is made to us, and we are made to it. Why not ask another wife, other children, another body, another mind?

The great object of most of these Reformers is to prepare the destruction of the Constitution, by disgracing and discrediting the House of Commons. For they think, prudently, in my opinion, that if they can persuade the nation, that the House of Commons is so constituted as not to secure the publick liberty; not to have a proper connexion with the publick interests, so constituted, as not either actually or virtually to be the Representative of the people, it will be easy to prove, [[28]] that a Government, composed of a Monarchy, an Oligarchy chosen by the Crown, and such a House of Commons, whatever good can be in such a system, can by no means be a system of free government.

The Constitution of England is never to have a quietus; it is to be continually vilified, attacked, reproached, resisted; instead of being the hope and sure anchor in all storms, instead of being the means of redress to all grievances, itself is the grand grievance of the nation, our shame instead of our glory. If the only specifick plan proposed, individual personal representation, is directly rejected by the person, who is looked on as the great support of this business, then the only way of considering it is a question of convenience. An honourable gentleman prefers the individual to the present. He therefore himself sees no middle term whatsoever, and therefore prefers of what he sees the individual; this is the only thing distinct and sensible, that has been advocated. He has then a scheme, which is the individual representation; he is not at a loss, not inconsistent—which scheme the other right honourable Gentleman reprobates. Now what does this go to, but to lead directly to anarchy? For to discredit the only Government, which he either possesses or can project, what is this but to destroy all government; and this is anarchy. My right honourable friend, in supporting this motion, disgraces his friends and justifies his enemies, in order to blacken the Constitution of his Country, even of that House of Commons, which supported him. [16] There is a difference between a moral or political exposure of a publick evil, relative to the administration of government, whether in men or systems, and a declaration of defects, real or supposed, in the [[29]] fundamental Constitution of your Country. The first may be cured in the individual by the motives of religion, virtue, honour, fear, shame, or interest. Men may be made to abandon also false systems, by exposing their absurdity or mischievous tendency to their own better thoughts, or to the contempt or indignation of the publick; and after all, if they should exist, and exist uncorrected, they only disgrace individuals as fugitive opinions. But it is quite otherwise with the frame and Constitution of the State; if that is disgraced, patriotism is destroyed in its very source. No man has ever willingly obeyed, much less was desirous of defending with his blood, a mischievous and absurd scheme of government. Our first, our dearest, most comprehensive relation, our Country, is gone.

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarrelling about the character, or about the conduct of men, or the tenour of measures; but we are grown out of humour with the English Constitution itself; this is become the object of the animosity of Englishmen. This Constitution in former days used to be the admiration and the envy of the

world; it was the pattern for politicians; the theme of the eloquent; the meditation of the philosopher in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for it they were ready to die. Its defects, if it had any, were partly covered by partiality, and partly born by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected of men;^[17] and every device and invention of ingenuity, or idleness, set up in opposition or in preference to it. It is to this humour, and it is to the measures growing out of it, that I set myself (I hope not alone) in the most determined opposition. Never before did we at any time in this Country meet upon the theory of our [[30]] frame of Government, to sit in judgment on the Constitution of our Country, to call it as a delinquent before us, and to accuse it of every defect and every vice; to see whether it, an object of our veneration, even our adoration, did or did not accord with a pre-conceived scheme in the minds of certain gentlemen. Cast your eyes on the journals of Parliament. It is for fear of losing the inestimable treasure we have, that I do not venture to game it out of my hands for the vain hope of improving it. I look with filial reverence on the Constitution of my Country, and never will cut it in pieces, and put it into the kettle of any magician, in order to boil it, with the puddle of their compounds, into youth and vigour. On the contrary, I will drive away such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath.

^[1] In the character of a pauper, which confers permission to sue without liability for costs.

^[2] Burke here states the political theory of the radical reformers. He himself would not deny that the constitution of a civil society is a convention. But he would deny that there is a gulf between nature and convention; rather, convention, when properly made, complements and implements nature. Burke sees man as by nature a social and political animal whose nature requires civil society and therefore requires a conventional constitution that corresponds to the needs of human nature. Civil society is thus natural to man but exists in conventional and variable forms.

^[3] Most of the parliamentary reformers were in fact much more moderate in their proposals, but the most radical of them argued in these terms, as Thomas Paine was to do in his *The Rights of Man*, his reply to Burke's *Reflections on the Revolution in France*.

^[4] The House of Commons was only one part of the tripartite lawmaking body composed of King, Lords, and Commons.

^[5] Burke conceived of Church and State as one unified whole, of which the King (in Parliament, of course) was the head.

^[6] [That is, resting on the authority of long, continuous usage. "Prescription" in property refers to an owner's right to maintain ownership of his property simply by the fact that he has held it for a very long time, even if he can produce no written deed to prove his ownership. See also the note below on the meaning of "Prescription." –Site Editor]

^[7] For a treatment of this much discussed sentence, see Canavan, *Edmund Burke: Prescription and Providence*, chap. 6, "Time Out of Mind."

^[8] The power of a national government to conduct relations with the governments of other nations and

to make compacts or treaties (*foedera*) with them.

[9] Prescription is a title to the ownership of property which arises out of long-continued and uncontested possession and overrides all earlier claims to the property. It makes it impossible, after the period required for prescription has elapsed, to revive old claims to the property. Then it is no longer enough to produce documents proving that A's great-great-grandfather got the property by fraud from B's great-great-grandfather. Similarly, Burke holds, the long-continued existence of a constitution under which a people has lived and flourished makes it immune to claims based on every man's right to govern himself in the state of nature and therefore to vote for representatives when he enters civil society.

[10] The House of Commons was composed of knights, who represented shires (counties); citizens, who represented cities; and burgesses, who represented boroughs.

[11] That the Constitution had so "declined from its perpendicular" was Pitt's argument in the speech in which he introduced his motion.

[12] ["Reason is not deceived, nor does it ever deceive." -*Site Editor*]

[13] Representation in the House of Commons was of communities, each of which, regardless of size, had two members of Parliament.

[14] In proposing his motion, Pitt had said that he and others had on many occasions "maintained the necessity that there was for a calm revision of the principles of the constitution, and a moderate reform of such defects as had imperceptibly and gradually stole in to deface, and which threatened at last totally to destroy the most beautiful fabric of government in the world." *Parliamentary History of England* 22:1416.

[15] Societies that advocated parliamentary reform, beginning with the Society of Supporters of the Bill of Rights, which adopted a series of resolutions in June 1771, including one that demanded full and equal representation of the people.

[16] The speaker referred to must be Charles James Fox, whom Burke calls "my right honourable friend," and who had spoken in this debate in favor of "equal representation," *Parliamentary History* 22:1452-53. The strong language Burke uses here about his friend and close political associate may foreshadow the complete break between them over the French Revolution.

[17] An allusion to Isaiah 53:3.

Original Author Sort: Burke, Edmund

Publication Date: 11782.05.07.00

Topic: [Natural Law and Natural Rights in the American Constitutional Tradition](#)

Subtopic: [Modern Constitutionalism](#)

Publication Date Range: 1782

The Representation of the Commons in the Parliament

Published on Natural Law, Natural Rights, and American Constitutionalism (<https://nlhrac.org>)

Source URL:

<https://nlhrac.org/american/modern-constitutionalism/primary-source-documents/commons>