

Rothbard #18 — Quis Custodiet Ipsos Custodes?

This time Murray Rothbard makes his point by citing Edmund Burke:

*In 1756 **Edmund Burke** published his first work: **Vindication of Natural Society**. Curiously enough it has been almost completely ignored in the current Burke revival. This work contrasts sharply with Burke's other writings, for it is hardly in keeping with the current image of the Father of the New Conservatism. A less conservative work could hardly be imagined; in fact, Burke's Vindication was perhaps the first modern expression of rationalistic and individualistic anarchism. ... "Anarchism" is an extreme term, but no other can adequately describe Burke's thesis. Again and again, he emphatically denounces any and all government, and not just specific forms of government. ... All government, Burke adds, is founded on one "grand error." It was observed that men sometimes commit violence against one another, and that it is therefore necessary to guard against such violence. As a result, men appoint governors among them. But who is to defend the people against the governors?*

Rothbard's major point seems to be "[b]ut who is to defend the people against the governors?" But his secondary point may be that Burke was much more profound than just being the "Father of the New Conservatism." Let's examine both points.

Who shall guard the guard? This question goes back at least to the Roman Empire when Juvenal wrote, "*Quis custodiet ipsos custodes?*" I am sure it goes back even further, maybe into the mists of prehistoric time. What makes one man legitimately able to stand above any man, woman, or child. The question rings out almost anytime one schlemiel says "I'm in charge here!" another will pipe up with "Who died and made you King?" The question occurs whenever a voluntary arrangement begins to slip into a declared authoritarian arrangement. The question arises on every occasion where one seeks to impose will upon others through violence. One may be reasonably certain that the question arose among the congregation of the church in Sutherland Springs, Texas when a gunman took it upon himself to kill 26 members of the churchgoers. Where does authority come from, and once ceded who will assure that it is not abused. The question of authority

and legitimacy is ancient. If there were a thoroughgoing guardianship for all humans, half would have to watch the other half, but then who would watch the first half to make sure each of them was discharging her duty faithfully. People who are comforted by the posting of a guard do not understand the dynamic. People who are skeptical about the guard can never have their cares laid to rest. Who shall guard the guard is a conundrum.

Now we can address the idea of Burke's place in history. I commend the Rothbard article, *Edmund Burke, Anarchist*, by Murray Rothbard at LewRockwell.com. I am a big fan of Edmund Burke, but I must admit that I feel much warmer toward him, now that I have read Rothbard's view, which includes

He upholds that noble tenet of eighteenth-century rationalism: that happiness, in the long run, rests on truth and truth alone. And that truth is the natural law of human activity and human relations. Positive law imposed by the State injures man whenever it strays from the path that we know to be the law of man's nature. How is the natural law to be discovered? Not by Revelation, but by the use of man's reason.

I have always taken a larger view of Burke, because he is a fellow Irishman. Most of his conservatism was shaped by his life and background. He was an Irish Catholic. His preference for older institutions was influenced by his religion as well as his respect for property. Although he took the side of aristocracy in France, it was mostly having to do with a Catholic aristocracy. In Ireland, the Catholics had been usurped. And the property of Irish Catholics had been ripped from them by the worst of the Church of England tyrants. My personal preference for Ireland over England is not based much on the religious question (I come from a half Catholic, half Protestant ancestry), but the propertarian question. But Burke was a staunch propertarian as he appeared to believe that the properties of the Irish had been wrongfully purloined. It may have been for that reason, as well, that he took the side of the Americans when he was a Member of British Parliament — although it is clear that he didn't go so far as to favor American Independence.

As to the continuing debate on whether Burke meant ***Vindication of Natural Society*** to be satire, I would argue that he would not have asserted that governments were the principle murderers of human beings in the years leading up to his work.