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# Will the Real Conservatives Please Stand Up

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Roger Scruton is a self-identified ‘conservative’ who has written an introductory account that surveys the various versions thereof and locates his own version within it. His own version is quintessentially British, and he does a splendid job of describing it.

What I want to do, first, is to give a parallel but slightly different account designed to highlight why it has become necessary even to write this kind of book.

Let us begin clearing the ground by challenging that framework. The term ‘liberal’ like its original counterpart ‘conservative’ has come to meaning many different things. Part of the reason for this is that such terms do not denote clearly separable things in the non-human world like different species of birds. In order to understand the terms ‘liberal’ and ‘conservative’ we need to review the historical context in which they arose.

Both terms came into use during the nineteenth century. Generally speaking, ‘conservatives’ wanted to preserve significant parts of the inherited social framework, which in this case was the traditional notion of a holistic conception of the community endowed with a collective good and in which individuals were to be understood in terms of their social role and their personal interests were subordinate to the collective good. Specifically, self-designated conservatives opposed the aftermath of the French Revolution and sought to restore the status quo ante (origin of the distinction between ‘right’ and ‘left’.)

The opposition to conservatism came from self-designated ‘liberals’ who favored specific social change (end of feudalism and the development of industrial/technological market economies) and espoused the priority of individual liberty over communal solidarity. Historically, some designated liberals originally favored the French Revolution (e.g. Kant, Mill) but later opposed it because it did not lead to individual liberty.

‘Liberalism’ and ‘conservatism’ evolved into public policy positions and/or theories and thereby went on to take a life of their own independent of the French Revolution.

Liberals argued amongst themselves and quickly split among those who favored or who saw liberty as an intrinsic value (‘libertarian’ or ‘classical’ liberals), those who saw equality as the fundamental value (‘modern’ liberals), and those who equated equality with community (socialist/Marxist). It can be argued that ‘modern’ liberals, socialists, and Marxists, in one way or another, need to appeal to some new(er) conception of community.

We turn now to the philosophical dimension. Beginning in the 18th-century and coming to fruition in the 19th-century there was an intellectual movement known as the ‘Enlightenment Project’ (EP), the belief that there could be a social science with a derivative social technology (Comte). ‘Science’ and ‘Reason’ came to be associated with social technology in opposition to ‘mere’ inherited tradition usually tied to religious institutions. Conservatives obviously opposed the EP. Classical liberals (and libertarians) opposed the EP but only because they saw it as incompatible with liberty (Mill’s critique of Comte). Modern liberals, Socialists and Marxists all endorsed the EP but clearly expected it to produce different results.

On some policy issues, classical liberals and conservatives could agree (opposition to social technology), but not on others; they could never agree philosophically. On some policy issues all liberals could agree (especially in opposition to conservative philosophy based ones, e.g. divorce, then homosexuality, etc.) but not on others (e.g., government regulation of the economy based on alleged economic truths); modern liberals could endorse a technocratic state but classical liberals cannot. On some issues modern liberals could ally themselves with socialists and Marxists (e.g., redistribution of wealth).

What started out as a policy dispute in a rapidly changing world evolved into a theoretical dispute. But it did so because the EP (scientism or positivism) came to dominate the intellectual world in such a way that you were only respectable in debate if you were armed with a theoretical position from which you allegedly drew policy conclusions.

The historical context of the original distinction is ignored, or dismissed, as being ‘merely’ historical and not ‘scientific’.

Generally speaking, ‘conservatism’ has insisted upon the ethical if not ontological priority of the community. In an attempt to transcend the usual rigid intellectual dichotomies, Capaldi and Lloyd (2016) have chosen to identify “narratives” instead of rigid ideologies and they have used the contrast between advocates of ‘liberty’ as opposed to advocates of ‘equality’; the historically evolving nature of this contrast or “conversation” is expressed therein.

In its infancy, the advocacy of liberalism was directed against the feudal notion that society as a whole had a collective identity and individuals were to be understood in terms of a more or less fixed social structure and role. At one time, ‘conservatism’ meant this notion of inherited social structure and role. By the nineteenth century and as a product of the French Revolution, other writers identified as liberal began to put a stress on ‘equality’ in addition to individual ‘liberty’. Initially, the advocacy of equality went hand-in-hand with the denial that people had special privileges because of social rank. Subsequently, ‘equality’ came to mean in the eyes of some that liberal polities had a special obligation not only to respect but to promote or equalize by obligating the more prosperous to transfer wealth to the less prosperous or the needy. This led to the distinction between ‘classical’ liberals (who emphasized ‘negative’ rights) and ‘modern’ liberals (who emphasized ‘positive’ rights). Some ‘modern’ liberals believe that they are in possession of theoretical knowledge of the social world in general and economics in particular that guides and justifies their social technology.

The terminology is now hopelessly confused and confusing. In order to be a respectable scholar in the post-EP world you need to identify others and yourself by reference to some theory. So, readers as well as writers will ask are Hayek and Oakeshott ‘liberal’ or ‘conservative’ or confused and confusing.

The second point I want to emphasize is why and how our political and social discourse has become distorted. The only meaningful account of human thought I have found is located in the works of Wittgenstein, Hayek, Oakeshott, I think Scruton, and a few others. It can be summarized as follows by reference to the notion of spontaneous order (an epistemology that is a crucial part of British intellectual history. Advocates of spontaneous order are opposed on intellectual grounds to ‘scientism’ or ‘positivism’ and to EP and therefore to the whole notion that there can be a social science or social technology. To be sure, there are inevita-

bly going to be policy debates and we cannot escape being participants within them, but the debates cannot meaningfully reflect theoretical debate. We can only understand those debates and ourselves immersed within them as part of an evolving historical context. Our disagreements and our agreements reflect disagreement or agreement on some part of the historical context and how it applies to present and future contexts.

Historical context is a vast collection of previous practices or rules of thumb, and we are called upon to decide which previous practice(s) is analogous to the present context (think common law adjudication). This inevitably evolves and changes the inherited historical context as new practices emerge. Hayek and Oakeshott inevitably participate in the debate but this does not lead them to believe that their personal reading or advocacy of a specific public policy issue is necessarily correct; nevertheless, they believe they have correctly identified and exemplified the practice of explaining practice and practical disputes.

Now things are about to get worse. Those still smitten by positivism will insist that there is and must be a scientific (not an historical or anthropological one) account of the evolving practice. Since neither Hayek nor Oakeshott offers one they both have been ignored or marginalized as irrelevant to the debate or worse yet guilty of contradiction because they confusedly espouse positions.

Hayek and Oakeshott will patiently explain that their espousal of a philosophical position is no more, and can be no more in any case, than their understanding of the continuity (not the entailment) of their recommendation with previous practice. If they critique other philosophical positions it is because from their professional point of view those positions are misunderstandings of previous practice, especially the practice of science (think Kuhn and Feyerabend). If they are opposed to public policy positions it is usually because those positions rest on spurious grounds (theories devoid of practical grounding). If they favor specific public policies they nevertheless claim no special status for their personal support. Understanding the activity is different from skillfully engaging in it, and such engagement cannot itself be reduced to an algorithm (Wittgenstein on following a rule). I can exhibit (show in Wittgenstein’s sense) my skill, or lack thereof, and I can conceivably give a good history of the practice, but I cannot rationally demonstrate (prove) my skill. In Oakeshottian terms, policy debate assumes agreement on the problem or issue at hand, surveys the alternative courses of action with their pros and cons, and rhetorically attempts to persuade others to see things

from a particular point of view. This is clearly anti-utopian. We are constantly called upon to retrieve our intellectual inheritance and to amend it from within itself and sometimes in ways they may seem alien to previous explications.

In the foregoing exposition, we have aimed to recreate how Hayek and Oakeshott would understand, explain, and transcend the semantic controversy between liberalism(s) and conservatism(s), etc. both as intellectual positions and as policy positions. In the course of doing so, hopefully we have achieved more. Assuming our history is more or less correct, we have exhibited in simple fashion what they mean by spontaneous order, why they see scientism (positivism) as incoherent and dangerous, the sense in which practical knowledge is fundamental and theoretical knowledge is always parasitic upon it, why total conceptualization is impossible, why evolutionary historical understanding is fundamental, and how we are to understand the relation(s) of theory to practice and malpractice.

Third, Scruton understands all of the above, and in explicating what it means to be an Anglo-American conservative he insists that modern conservatism encompasses the recognition of individual freedom and autonomy (p. 8). I could not agree with him more but only as long as we recognize that this is only true of the Anglo-American inheritance. In the context within which I routinely interact with self-proclaimed conservatives (e.g., the Philadelphia Society), I encounter writers who (a) deny the postulate of autonomous individuality, (b) believe that it is a pathological condition [they refuse to countenance a distinction between being self-defining and being totally desocialized), (c) insist upon the ontological priority of community, (d) defend their position by appeal to controversial theological or metaphysical doctrines that are no different in status from the rigid and intolerant ideologies of liberalism. While many of us can agree that some social practice or other is important and in danger of being destroyed by advocates of social technology, our agreement is based upon different premises.

Finally, I want to commend Scruton for his masterful exposition of the common law and of the rule of rule as unique elements of the Anglo-American legal inheritance, and his account of how individual freedom is a product of those institutions and not of a theory. Precisely because human freedom is housed in a context of law and national sovereignty, it is easy to understand Churchill's refusal to surrender, to understand Brexit,<sup>1</sup> and to understand the resistance to political globalization and legal homogenization.

## NOTES

- 1 Brexit involves complex policy issues that cannot be seriously discussed in this context. However, I wish to note the following: (a) I am currently writing a book on the "Rule of Law" and in which the thesis is that the Anglo-American version is based on individual liberty (Oakeshott's "civil association") and the "rule thru law" in Continental jurisprudence is based historically on a collective good; (b) part of the inspiration for the book is Scruton's lecture on the several reasons why many Brits voted in favor of Brexit (See <https://www.youtube.com/watch?v=niaC3UESpd4>).