

Conservatism, Value and Social Philosophy

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INTRODUCTION

Sir Roger's political philosophy derives much of its strength and plausibility from the ways in which he relates what might be called his social philosophy to the normative claims which make up his conservatism. In what follows, I shall assume that political philosophy must indeed be based on a social philosophy. This is not a common assumption since social philosophy is a neglected discipline. Nor has the recent interest in social ontology done much to help the cause of social philosophy. If we assume that political philosophy must be rooted in a social philosophy, then one interesting philosophical question concerns the variety of possible relations between social and political philosophies. The latter, like moral philosophies, may employ any of the many different families of (what, *faute de mieux*, are now called) normative concepts—the concepts of goods and evils, values and disvalues, virtues and vices, right and wrong, rights, obligations, prohibitions and oughts. And (again like moral philosophies) they may sometimes be characterised by the relative importance they assign to one of these couples. The role a political philosophy assigns to the different families of normative concepts is sometimes independent of the position such a philosophy occupies on the conservative—radical spectrum. In Scruton's political philosophy, the most prominent normative family is that of duties and obligations. Values are also appealed to, albeit mainly *en passant*, but the recent chapter "Realms of Value" (Scruton 2015) perhaps marks a new, "axiological" turn in his thought.¹ If so, what follows is intended to support the turn.

What might a conservative, political philosophy, which is rooted in a social philosophy like Scruton's but which puts value first, look like? In what follows, I outline some elements of such a philosophy. This will bring into focus some of the main features of Scruton's views but will also, I hope, indicate some of the strengths of a philosophy of this type.

The view to be outlined is that of one of Scruton's most important predecessors, the early realist phenomenolo-

gist, Max Scheler. As we shall see, the social philosophies of Scheler and Scruton have much in common. In particular, they agree that, as Scruton once put it, "human individuals derive their personality in part from corporations" (Scruton 1989, pp. 240-241). But Scheler, like other heirs of Brentano, clearly assigns to the value-disvalue couple the fundamental place in all normative questions. In some respects, Scheler's views complement those of Scruton, in other respects they go well beyond them. The basis of this proximity, I believe, is their attachment to forms of personalism. Their conservative personalisms distinguish them from the most influential twentieth century political philosophers. It is all the more curious that Scruton is an heir of Kant and Hegel, and Scheler, in all respects, is thoroughly anti-Kantian and anti-Hegelian.

SOCIAL PHILOSOPHY

Scruton distinguishes, following Hegel, between the *state* and *society*, which he often refers to as *civil society*. Scheler's classification of the types of social coexistence uncontroversially adds to these two categories those of *masses* and *communities*. The four categories are distinguished in many ways. For example, by reference to their participants and by reference to the "cement" which binds these participants together. Involuntary imitation and the contagion of emotions and ideas are what tie together the members of a mass. Tradition and blind trust play the same role in a community. And the elements of a society are linked together by contractual relations and the conventions they follow. The groundless trust of the community has its counterpart in the groundless mistrust of society. In a society, where shared responsibility exists, it has its source in individual responsibility. In a community, shared responsibility is not founded in anything else. The individuals in a state or nation both enjoy individual responsibility and share responsibility for the collective person they belong to. But this last responsibility is not one they take on; it is one they grow into.

The elements of society are adults in full possession of their senses; the members of communities comprise both adults and minors. Scheler's account of states and their members is perhaps the most original feature of his social philosophy and it is here that we find the most striking agreement between the Bavarian and the English philosopher. A state, they agree, is a collective person (corporate person (Scruton 1980, pp. 50-52; 1989), *Gesamtperson*). The cement to which collective persons owe their unities, according to Scheler, is collective intentionality, the first-person plural and co-meaning, co-judging, co-acting, co-feeling and co-willing. A collective person is not only founded on many communities it has some of the features of a community. It is not only founded on a society but has some of the features of a society. The collective person which is a state is, Scheler adds, a *merely* social person.

What is it to be a social person? Within an individual person both an intimate and a social person may be distinguished. The former is the locus of shame, guilt and conscience. The latter is, in the first place, the origin of what Reid called social acts—promising, ordering, declaring, asking etc. More broadly it is the origin of all forms of intentionality directed to others. One type of collective person, the state, is a merely social person and that in the narrowest sense of the term. But Scheler thinks that collective persons other than states are both social and intimate persons, for example, nations and so nation states, and the Church. As an element of society, an individual possesses no intimate self or person. Hence the traditional comparison between society and the stage.²

One major objection to the very idea of collective persons derives from the philosophy of individual persons. If an individual person or human being is or has an ego, self or subject (transcendental, metaphysical or higher; empirical or lower) which underlies those accidental changes which are mental acts and states, then either the same is true of collective persons or “person” becomes equivocal. That a collective person is or has an ego which underlies and explains its unity is absurd. And if “person” as applied to individuals and states is equivocal, the view that states and other collective persons are at best fictitious persons has much to recommend it. Scheler, however, thinks that an individual person is merely an enduring unity of interdependent mental acts and that the same is true of collective persons. In other words, since there is no substantial self, individual and collective persons enjoy the same degree of reality. Since Scruton thinks that “personhood...is brought into being by our use of that very concept” he is no friend

of any form of substantial self or of the view that a person is what underlies mental acts and states.³

VALUE-AESTHETIC, EPISTEMIC AND LEGAL

Value, thick and thin, monadic and relational, crops up in political philosophy in a number of different ways, ways which are not always easy to distinguish given the even greater number of canting, contemporary uses of the term. Fundamental normative disagreements, differences or alternatives are sometimes formulated in terms of the ranking or relative importance of values, as when Scruton refers to Tocqueville's “warning against putting equality above freedom in the scheme of ultimate values” (Scruton 2018, p. 75). One link between social philosophy and value comes into focus if we remember the different relative importance attached to the category of masses by Fascism and Communism, to the category of society by Liberalism, to the category of community by Communitarianisms and to the category of the state by Conservatism. Or the importance to both Communism and Liberalism of the category of society, of which both “classes” and other “interest groups” are parts. Another link is the attribution of different thick or material values to the different items distinguished by social philosophy. Thus social persons, both individual and collective, are the bearers of values such as honour, good name, reputation, fame and *gloire* as well as of a number of related disvalues.

A very different connexion between value and social philosophy has to do with the different thick values which concern, which are the business of the different types of social unities and their members. Five principles put forward by Scheler belong here. The first deals with the state and law.

Every political philosophy which allows for states and their positive value agrees that law and its value are a fundamental concern of the state. Scheler's version of this distinguishes between positive law and its value, on the one hand, and the value of Right (*Recht*) or pre-positive law, on the other hand. Like other early phenomenologists, he (sometimes) rejects the identification of pre-positive law with Natural Law. Unlike Hume and Hayek, the early phenomenologists do not think of pre-positive law as simply the result of cultural evolution. But what they call the pure theory of right focuses on just the phenomena which, according to Hume and Hayek, constitute pre-positive law: the creation of claims and obligations by promises, the transfer of property etc.. The value of the judiciary and the

police and of the institutions they belong to derives from the value of law, positive and pre-positive.

The twist Scheler gives to this sort of view is the claim that the law's business is only with the social person and her social acts and actions and not at all with the intimate person and her mental acts and states. There are crimes of passion but no passion is a crime. Hatreds, preferences, beliefs and so on are not crimes (cf. Scruton 2015, p. 169). The existence of what he calls a state-free (*staatsfrei*) stratum of experience is the foundation of the right to exchange opinions and an essential limit to the reach of the state. Some such limit is frequently recognised by Liberals and Conservatives. It is perhaps what Burke has in mind when he says that the influence of government should be limited to what is truly and properly public. It is what Acton has in mind in his account of an inner sphere exempt from the power of the state. What is peculiar to Scheler's version of it is simply his use of his distinction between the intimate and the social person and his distinction between law and its value.

The second and third of Scheler's principles concern the relation between the state, on the one hand, and aesthetic and epistemic value, on the other hand.

What is or should be the fundamental conservative objection to state-financed art, state-run universities and schools? One type of objection is that every form of *Kulturpolitik* or *état culturel* contributes to the decline of art. Theatre, opera and music are mediocre, at least in part, because they are financed by the state. Similarly, where education and *Bildung* are run, indeed driven, by state functionaries, this leads inevitably to the creation of pseudo-disciplines such as victimological literary criticism, postmodernist sociology and anthropology, gender-studies, cultural studies and—long one of Scruton's butts—peace-studies, all of which pander to democratism. (Why exactly *do* pseudo-disciplines like to refer to themselves as “X studies”?). Such pseudo-disciplines, the objection continues, are more and more influential outside the universities. Where the elites are in large measure professors employed by the state, they will, other things being equal, tend to pimp for the state. No institutions which aim to further aesthetic sensibility, knowledge, artistic creativity and skills, runs the conclusion, should be state run. There should be no state-controlled universities. A slightly less extreme conclusion is that, at the very least, Faculties of Letters (Arts, Humanities, *Geisteswissenschaften*) should be privatised, because of their role in popularizing French faery stories about the omnipresence of a large variety of micro-oppressions and French reductions of human beings and persons to bod-

ies (bio-politics). (Of course, no conservative is in favour of any but the most gradual of privatisations). Similarly, when Scruton argues for a steady liberation of schools from the clutches of the state he emphasizes that this is required if they are not to be captured by the enemy, if they are not to become instruments of social engineering (Scruton 2015, pp. 171-2, 28).

Whatever one should think of such views and the complex empirical claims on which they are based, they are one and all claims about the *extrinsic disvalue* of state-subsidised education, research and art. Similarly, many replies to such objections—that without state support there would be no more opera, original drama, no more educational opportunities, that French theory is a set of enormously important and deep contributions to postmodern self-understanding, necessary steps on the road to human emancipation and its many, many causes—are claims about the *extrinsic value* of state-subsidised education and art.

Scheler's objection is very different and is of a type often overlooked. The *intrinsic* values of art, aesthetic experience and of knowledge concern above all the *intimate* not the *social* person or self. Awareness of the intrinsic value of knowledge (cf. Scruton 2015, p. 125) and the subsequent acquisition and possession of knowledge concern above all the intimate person. Similarly, awareness of intrinsic aesthetic value and its subsequent enjoyment and exploration concern above all the intimate person or self. “A book”, Proust says, “is the product of a self other than the self we display in our habits, in society, in our vices” (*Contre Sainte-Beuve*). Now conservatives and liberals, as already noted, have long accepted that matters of conscience are beyond the purview and reach of the state, if anything is. An individual's conscience is above all the conscience of the intimate person. And what is true of the intimate person's conscience is true of that person's relation to knowledge, art and their intrinsic values.

To this type of objection to state control of art and knowledge, their creation, transmission and development there is a reply which follows from a popular radical belief: the personal *is* political, whatever is personal is political. In other words, the intimate person is just as much a political and so a public matter as is the social person.

Scheler's fourth principle, which is less controversial than those already mentioned, is that the welfare, flourishing and bodily integrity of the members of the different communities making up a state are the business of the state. His fifth principle is that value of the law and the value of the welfare, and flourishing of communities and their mem-

bers constitute the whole of the state's business. The intrinsic value of the law is a cultural and spiritual (*geistig*) value, like the intrinsic values of art and of knowledge. The values of the welfare and flourishing of communities and their members are vital values. The state's business, then, is with these vital values and with only one of the three types of cultural value.

Each of Scheler's five principles connects a social category and a value category. This, as we shall now see, is also true of his sixth principle. But this principle, unlike those already mentioned, concerns what might be called a thin or formal rather than a thick or material type of value.

The distinction between what is what is intrinsically valuable *tout court* and what is intrinsically valuable *for* someone is the axiological counterpart of the distinction between duties which are binding on all and an ought or duty a particular person, in a particular situation, has just because she is the person she is. Toni Rønnow-Rasmussen calls being valuable for someone personal value (Rønnow-Rasmussen 2011). Scheler (rather clumsily) contrasts universally valid values with individually valid values and employs the latter category in his analyses of individuality, love of others, self-love, models (as opposed to leaders) and counter-models and vocations. A person's vocation, what she ought (not) to do with her life, is as good an example as any of something which is intrinsically valuable for that person.

One of the things which may be intrinsically valuable for an individual is a collective person—a state, a nation, a nation state, an imperial state, a country. That this is possible and is indeed the case in states and nations is Scheler's sixth principle. As far as I can see, Scruton does not appeal to anything like the category of individually valid values in his philosophy of conservatism. But he does provide one of the main motivations for taking this category seriously. This is to be found in his detailed and eloquent descriptions of the different possible affective responses and attitudes towards nations, countries and states—love, respect, reverence, piety, allegiance, identification, loyalty and other attachments. Suppose, now, we think that affective responses constitutively involve impressions of value. What better candidate for the impression of value constitutive of loyalty or patriotism than the impression that some collective person is intrinsically valuable for me?

It is important to distinguish the role of the phenomenon of the value of a collective person for an individual person *within* political philosophy and its role *outside* political philosophy. Individuals of many political persuasions may re-

act affectively in just the same ways as Scruton's conservatives. But personal or individually valid values play no role in any Liberal or Socialist political philosophy, for these philosophies, like the most popular moral philosophies, are exclusively universalist.

The recognition of the central place in any Conservative political philosophy of the personal value of collective persons means that such a philosophy and its adherents are open to three quite distinct objections. One, already mentioned, is that the very idea of a collective person, a state, nation or nation state, is an absurdity, if it is taken to amount to more than a useful fiction or abstract concept. One consequence of this is the irrationality of the affective responses of Scruton's conservatives. Thus Scheler's friend, the Austrian Liberal, Richard von Mises, dismisses the view that the state is either warm or cold (Nietzsche's cold monster) since it is merely an abstract concept and so divinisation or adoration of the state (*Staatsvergottung, Staatsanbetung*) is irrational (von Mises 1927, p. 51).

A second objection, also already mentioned, is that the very idea of personal or individually valid values (or norms) is an absurdity. The third objection, which is an objection to friends of conservatism rather than to conservatism, is that embrace of the latter absurdity is evil or otherwise morally bad. One of the most frequent radical reproaches is that conservatives are evil, individually or collectively egoistic, lack compassion, are people who are feathering their nests and those of their own, jingoistic, chauvinistic, nationalistic, or otherwise morally dubious. "The modern conservative", says G. K. Galbraith, "is engaged in one of man's oldest exercises in moral philosophy; that is, the search for a superior moral justification for selfishness".⁴

The practical motives someone has for endorsing conservatism or indeed any other political philosophy are, of course, irrelevant when it comes to evaluating that political philosophy. But the radical reproach does raise an important question. If one thinks that the distinction between personal or individually valid values and impersonal or universally valid values corresponds to a real difference and that the two categories are not empty, then an important normative question concerns their relative importance. Scheler's answer to the question is that the "right relation between value-universalism and value-individualism" is that the recognition and realisation of universal values is a minimum which must be satisfied before the recognition and realisation of individual values (Scheler 1966, p. 484).

QUALIFICATIONS, QUESTIONS & QUIBBLES

I have given some reasons for thinking that, on the assumption that something like the social philosophy of Scheler and Scruton is correct, a value-first conservative philosophy à la Scheler has much to recommend it to conservatives. But is Scheler's social philosophy plausible? One may well think that it is guilty of a mistake which might be called the *personula fallacy*⁵ (by analogy with the better known *homunculus fallacy* in the philosophy of mind). For according to Scheler, every individual person *contains* an intimate and a social person and the same is true of collective persons other than the state. On this view, the intimate person feels guilt but the social person makes promises. If this is a mistake, because it is the same person who is ashamed and makes promises, then it should be replaced by the much less baroque claim that every individual person has an intimate sphere and a social sphere, a formulation which Scheler does indeed sometimes employ.

My summary of some of Scheler's views has simplified these in many respects. In particular, I have passed over in silence his extreme Platonism and naïve realism about value, two views notoriously unpalatable to philosophers influenced by Kant or Wittgenstein.⁶

One reason for thinking that a value-first political philosophy is not quite Scruton's cup of tea is that in his criticisms of the one sided emphasis on duties in Kant's moral and political philosophy and its failure to allow a role to customs and tradition, Scruton follows Hegel (Scruton 2018, pp. 56-7). From Scheler's point of view, Kant's main mistake is to try to ground value in deontic norms and his universalist understanding of deontic norms which disallows anything like individually valid values or duties. For Hegel, Scruton writes, abstract right,

although valid in itself, must also become concrete, united with the historical attachments of real moral agents, if it is to issue in definite guidance. Without the concrete demands of the moral order the idea of right remains in the intellectual stratosphere, failing to come to earth in any real application. From the confrontation between abstract right and concrete morality the sphere of ethical life emerges (Scruton 2018, p. 57).

The relevant historical attachments, I have suggested, cannot be properly understood without the category of

what is intrinsically valuable for an agent or its relatives such as the category of subject-bound, occasion-bound and time-bound duties or oughts (Goethe's *Forderung der Stunde*). These are the categories which underlie the types of ethos on which Scruton, following Hegel, insists so eloquently. But they are not to be found in Hegel's writings. The category of individually valid values seems to make its first appearance in the writings of Schleiermacher. "The most systematic presentation that we have of the conservative vision of political order", says Scruton, is "Hegel's political philosophy" (Scruton 2018, p. 58). This may well be true of all those political philosophies which are value-blind.

Another reason for thinking that a value-first political philosophy is not really taken seriously by Scruton is suggested by a feature of his numerous accounts of the everyday world. Thus his recent (Scruton 2018, *passim*) discussion of the relation between what Husserl called the *Lebenswelt* and Sellars the manifest image, on the one hand, and what science tells us, on the other hand (what Scheler, long before Husserl and Sellars, called the relation between the natural and the scientific world-views) pays little attention to the category of value although value qualities are arguably much more central to the *Lebenswelt* than secondary qualities. An exception is his account of the role of intrinsic aesthetic values in the *Lebenswelt* (Scruton 2018, pp. 136-139). But when he describes traditional knowledge he describes it in terms of deontic knowledge, knowing *what to do*, without mentioning the knowledge of value which, one may think, underlies this (Scruton 2015, p. 21). On the other hand, when he says that "a concern for the priceless and the non-exchangeable is exactly what defines the conservative view of society" (Scruton 2015, p. 57) he is indeed endorsing just the type of view I have attributed to Scheler.

Scruton has always been a European philosopher. His penetrating account of a variety of European conservatism brings into focus traditions which are almost invisible to political philosophies the horizons of which are fixed by Rawls, Nozick and Williams and is the product of wide sympathies and reading.

Let me nevertheless quibble. His sketch of English conservatism does not mention T. E. Hulme who is perhaps the only anglophone conservative to have been influenced by Scheler. His account of German conservatism (Scruton 2018, ch. 3) does not mention Arnold Gehlen, whose account of the rôles of "moral panics" in progressive thought has turned out to be remarkably prescient. Two Austrian conservatives not mentioned are the Hungarian philoso-

pher Aurel Kolnai, whose political philosophy and sensibility resemble those of Scruton more than those of any other twentieth-century figure, and Eric Voegelin, whose account of political religions anticipates the conclusions of many recent historians, such as Michael Burleigh. Like T. E. Hulme, Gehlen, Kolnai, Voegelin and, for example, Dietrich von Hildebrand are all, in their social and political philosophies strongly influenced by Scheler. One of Scheler's heirs who is discussed by Scruton is the conservative liberal, José Ortega y Gasset (Scruton 2018, pp. 125-6). But Scruton entirely overlooks one of the central claims of Ortega's *The Revolt of the Masses*, that mass-man—and there is, he thinks, a mass-man in each of us—rejects or is indifferent to epistemic norms and values, that is to say, is foolish.

I mentioned above the tendency of many of the political enemies of conservatism to damn conservatives for their moral failings, for being evil. The opposite tendency is that of the conservative who thinks of her progressive, political enemies—or at least the Social Democrats, the Liberals, Radicals and Parliamentary Socialists—as fools, cognitively vicious, rather than as either particularly evil or unintelligent. And Scruton refers in the last paragraph of *Conservatism* to the “burden of disapproval, which [Conservatives] believe comes from their habit of telling the truth” and which their opponents ascribe to ‘nostalgia’ for an old and misremembered way of life “or to a failure of compassion towards the new ways of life that are emerging to replace it” (Scruton 2018, pp. 154-5).⁷ Conservatives who think that they have the habit of telling the truth or who like to think that a conservative is a leftist who has been mugged by reality clearly attach a certain importance to avoiding the foolishness or epistemic vice described by Ortega, whatever other defects they may have.⁸

NOTES

- 1 Cf. Scruton 2015, pp 25, 57, 63, 119-20, 125, 128.
- 2 Scheler's account of masses builds on earlier French analyses, as his account of the differences between communities and societies builds on the account first given by Tönnies. His account of the distinction between intimate and social persons and selves is anticipated by William James' descriptions of social selves. On the long history of the view of states as collective persons, cf. Scruton 1989, Déralthé 1988, pp. 397-410, Skinner 2018, pp. 12-44.

- 3 Scruton 2016, p. 102; on the mereological view, cf. p. 68. Scruton mentions without endorsing the view that “belief in the ‘self’ may be no more than the shadow cast by self-referring language” (Scruton 1989, p. 250)
- 4 Galbraith 1963:
<http://wist.info/galbraith-john-kenneth/7463/>.
- 5 Thanks to Jean-Yves Tilliette for this suggestion.
- 6 The views I have ascribed to Scheler are formulated at many places in his oeuvre. Scheler 1966, pp. 509-557 or Scheler 1973, pp. 511-472 is a good place to start.
- 7 Another quibble. In his brief but very welcome discussion of Chateaubriand and Tocqueville (Scruton 2018, pp. 72-78), Scruton underestimates, I believe, the breadth of the former's understanding of what Nietzsche and Scheler were to call democratism, an understanding which may well have influenced Tocqueville. Cf. Fumaroli 2003.
- 8 Thanks to Olivier Massin for the discussion.

REFERENCES

- Déralthé, R. 1988. *Rousseau et la science politique de son temps*, Paris: Vrin.
- Fumaroli, M. 2003. *Chateaubriand. Poésie et Terreur*. Paris: Gallimard.
- Mises, von L. 1927. *Liberalismus*. Jean: Fischer.
- Rønnow-Rasmussen, T. 2011. *Personal Value*. Oxford: Oxford University Press.
- Scheler, M. 1966/[1913-1916]. *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus*, Gesammelte Werke, II. Bern: Francke.
- _____. 1973. *Formalism in Ethics and Non-Formal Ethics of Values*. English tr. of Scheler 1966 by M. Frings & R. L. Funk. Evanston: Northwestern University Press.
- Scruton, R. 1980. *The Meaning of Conservatism*. Harmondsworth: Penguin Books
- _____. 1989. Corporate Persons I. *Proceedings of the Aristotelian Society*, Supplementary Volumes, Vol. 63: 239-267.
- _____. 2015. *How to be a Conservative*. London: Bloomsbury
- _____. 2016. *The Soul of the World*. Princeton: Princeton University Press.
- _____. 2018. *Conservatism. An Invitation to the Great Tradition*. New York: St. Martin's Press
- Skinner, Q. 2018. Classical Rhetoric and the Personation of the State. *From Humanism to Hobbes: Studies in Rhetoric and Politics*. Cambridge: Cambridge University Press, pp. 12-44.