

Conservatism Then and Now

KIERON O'HARA

University of Southampton

Email: kmoh@soton.ac.uk

Web: <https://www.ecs.soton.ac.uk/people/kmoh>

To be invited to a grand tour of the conservative tradition by so eminent a guide as Roger Scruton is a joy and a privilege indeed (Scruton 2017a).¹ There can be no-one more suitable to take us on the journey from Aristotle to Burke and through to the present. We see how conservatism has changed its aspect as its opponents, the thoughtless innovators, have changed theirs, and how it has swung between the narrowly political and the broadly cultural, between the confident and the elegiac, and between the intellectual centres of England, Scotland, America, France and Germany.

In five concise and elegantly-written chapters, Scruton is a delight. In this paper, I am going to focus on Chapter Six, 'Conservatism Now'. Here, the question is how the tradition described by Scruton has adapted to our present woes, and therefore how it remains relevant to the current fervid state of politics. This is an important question to answer, because conservatism has been rather left in the dirt by the temporary hegemony of neoliberalism (p. 146), the rise of identity politics (p. 129), and the aspirational attractions of virtue-signalling ideologies such as feminism and environmentalism, even before the financial crisis came and upended everyone's *bien-pensant* assumptions. Conservative leaders seem bereft of ideas, whether they are hapless, like Mrs May, or experienced, like Mrs Merkel. Conservatives need a bit of advice, and conservatism needs a bit of a boost. In this paper I will argue that, however impressive is Scruton's historical commentary, he does not provide the necessary materials to convince the curious but agnostic reader that now is the conservative moment. He has, of course, provided some of these elsewhere in his extensive *oeuvre*, but I take the purpose of *Conservatism: An Invitation to the Great Tradition* to be a slim, accessible one-stop-shop for the inquiring and curious non-conservative, and assess it as such. It therefore needs not only to explain, but also to inspire.

Part of the problem is that Scruton doesn't so much define conservatism as describe the forms it takes in its historical contexts. This is of course a perfectly legitimate expository strategy, but it leaves open various questions,

of which three are particularly resonant. Does conservatism problematise or resist change, as Freedman says it does (1996, pp. 317-416), and Honderich says it doesn't (2005)? If it is concerned with change, why is that? In previous work, I have argued that epistemological reasons are sufficient (O'Hara 2011, and cf. pp. 41, 51, 107, 112), and that epistemic humility is the essential bulwark against dogmatism (cf. p. 140), but there are many alternative views, such as the role of religion as a guarantor of a transcendent order (Kirk 1985) or the consequences of the imperfection of humankind (Quinton 1978). And thirdly, does conservatism have a set of ideas that are unique to it, or is it rather a commentary on the cultures in which it finds itself (Brennan & Hamlin 2014)?

Scruton represents the Burkean tradition as an offshoot of Enlightenment liberalism (pp. 14, 22-23, 104), a view with which I heartily concur (O'Hara 2010, pp. 82-86). So whereas a liberal will defend our ancient liberties because they are *liberties*, a conservative will defend them because they are *ancient* (cf. p. 31). Liberty is what we do around here. It seems to follow from this kind of view that conservatism is, as Huntington argued, a situational or positional ideology (Huntington 1957). The careful delineation of the tradition from Burke to Hegel to Coleridge to Eliot to Oakeshott to Scruton himself is clear against this background, and makes it obvious why we should exclude reactionaries such as de Maistre (p. 68) or Waugh (not mentioned in the book), even if sometimes it is not clear why, for example, Tocqueville is a liberal who added to conservative thought (p. 75), while Hayek is a conservative proper (p. 105). These are terminological issues only. However, the focus on the post-Enlightenment tradition makes it harder to transpose the conservative ideology to new contexts and reason about it. What is Iranian conservatism like? Are Islamists really conservative as they pretend (a question Scruton has addressed elsewhere—2002)? How should we treat socialists who use apparently conservative arguments, e.g. to defend the current structures of the NHS or the welfare state? Was the attempted coup against President Gorbachev

an example of Soviet conservatism? What (if anything) makes these types of conservatism less legitimate than the Burkean tradition?

Interesting as these questions are, they are not Scruton's. The problem is that the focus on the *tradition* makes it harder to say what conservatism stands for *now*, because the tradition hasn't happened yet. We just don't know who the key thinkers are, or what creative solutions they are working on. At least with a definition, however hand-waving and imprecise, we can see a way to working out what ideas might be brought to bear on the problems of our time, or even just to perform the prior but still significant task of diagnosing those problems using conservative resources. Conservatives might be faced with complex dilemmas, different routes forward that are apparently equally consistent with their ideology. This would not be an objection—indeed, such dilemmas are where one would expect innovative conservative thinking to arise.

For example, take one of the major issues on the desk of any serious European politician at the time of writing: Brexit. A respectable conservative position, probably the majority position, is that the rule of the European Commission (the 'Belgian Empire', as one prominent conservative thinker referred to it in a conversation with me) is alien to the norms of British governance in its methods, its principles and its aims. It is undemocratic, unaccountable, and dirigiste. The EU's direction of travel is fundamentally different to that championed by virtually all in British political and cultural life (even those who are ardent pro-Europeans), and the British are wise to try to restore their sovereignty, even if there are associated economic costs. Indeed, given that the nation state is still the political entity that (by and large) connects most directly with people's socio-political consciousness (p. 151), *all* members of the EU should be working at a minimum to increase their own sovereignty at the expense of the centralising tendencies of Brussels.

Nonetheless, another respectable conservative position is that stability is vital not only for business and the economy, but also for citizens' navigation through an increasingly complex social environment. The UK has been in the EU or its predecessors for 45 years now, and very many British institutions, with responsibilities ranging from security to food safety to scientific research to strategic funding of infrastructure in poorer regions to data protection, are bound up with the operation of the European Commission and intense cooperation with fellow EU members. Relations may be tense at the national level, but when it comes to, say, po-

licing organised crime, there is no substitute for the relevant senior police officers from across the continent sitting together around a table, fully confident of a legal framework in which they can share data, request arrests and extradition, and plan cross-border surveillance. 45 years in the life of a nation, even one as venerable as the United Kingdom, is not nothing.² Conservatism does indeed take its character from local questions (p. 2), but equally one of Burke's objections to the French Revolution was its attack on European manners. Furthermore, the achievement of Brexit (if it is achieved) has been on the back of a deeply unconservative constitutional fix, side-stepping Parliament to make a decision by an ill-constructed and irresponsible referendum³ which turned the question into a numbers game, divorced from the geographically-based politics championed by Scruton (so that, for example, the interests of the Northern Irish or the Gibraltarians were subsumed into the national count, which means that they were rendered irrelevant by their numerical insignificance), and which left all options open without providing any steer as to what Brexit might actually mean or who should implement it. The direct result has been that, far from Mr Cameron keeping his wretched party together, all potentially governing parties have been split asunder, and the feeblest incompetents have risen to the top.⁴

It seems reasonable to say that a conservative could go either way on Brexit consistent with his conservatism. Scruton has been a principled Brexiteer since Britain joined, but it may be that to future historians, Brexit will appear the radical option, and Remain the conservative road not taken. The tradition has veered in the 'progressive' direction before, for example when—against the advice of Hayek—postwar conservative governments accepted that the state should play a major coordinating role in the economy and civil society, as with Butskellism in the UK (pp. 106, 114). And when conservatives have not followed the progressive trend, it is sometimes regretted, as William Buckley regretted conservative opposition to the civil rights movement (p. 141).

There is a lot going on in the world, and politics is in flux. The liberal elite are appalled at what the *sans-culottes* are voting for, and have frozen like rabbits in headlights. The rather absurd Axis of Evil has been superseded by a far scarier Axis of Incivility, centred on the three major superpowers, the US, China and Russia, each of which in their different ways at the time of writing pursues aggressive nationalist policy goals while showing impatience with due process both internally and internationally. Many impor-

tant mid-sized nations, including Egypt, Hungary, India, Iran, Israel, the Philippines, Poland and Turkey, are following this lead. The deregulation of finance that began in the 1980s, driven partly by ideology and partly by technological advance, led in the end to overreach and the crisis of 2007-8, whose effects are still playing out unpredictably. The loyalty of citizens of the major democracies to their traditional institutions has been declining for years, and we have now arrived in the world of identity politics, where loyalty is replaced by selfish assessment of interests, and a wholly inner-directed reconstruction of self. People now think nothing of reinventing themselves as a particular set of attributes, however absurd, ideally demonstrating their status as first class victims of a set of social arrangements that have been the reference points for virtually all human societies for tens of thousands of years (p. 10), which they claim must therefore be overthrown by next Tuesday. The institutions of democracy are not being defended by those who benefit from them (p. 153), making democratic societies vulnerable to the insinuations and intrigues of malign actors, whether home-grown or foreign. Meanwhile, as all this nonsense unfolds, a few individuals not only make immense wealth from universal surveillance, but have become the most powerful private actors on the planet. That they use their sinister powers to do nothing worse than send us ever-more-relevant spam is perhaps fortunate, but the techniques that they have pioneered are also being used in far viler fashion in China and elsewhere.

The world, in short, is headed directly down the toilet. It is therefore unfortunate that the main issues that Scruton identifies as justifying conservatism's status as "the champion of Western civilisation against its enemies" (p. 127) are political correctness and religious extremism (Ibid.). I do not doubt that these do indeed have some weight, and I am on Scruton's side in both of these struggles. But—given the mess narrated above—is that it? If we are to make conservatism a relevant political position once more, then surely conservatives' ambitions should transcend the no doubt firmly-held beliefs of retired Colonels in Budleigh Salterton, and appeal to a wider set of interests, even if it takes them out of their comfort zone.

This is made worse, I think, because the argument against religious extremism warps fairly quickly, becoming identified with "the challenge presented by mass migration" (p. 147) and "the growth of Islamic communities that reject crucial aspects of the nation state" (p. 148). It is important to stand up "to an armed and doctrinaire enemy, in the form of radical Islam" (Ibid.)—absolutely. But is 'radi-

cal Islam' the opinion of the masses who have migrated to Europe? Or just of a few? Is Islam itself inimical to our liberal societies (pp. 149, 152), or just the Wahhabi variety (p. 152)? There is a general political problem here, about how to deal with a troublesome minority of a visible minority. We can be safe by excluding the entire superset, which would be easy because they are visible, but at the great cost of unfairness to the innocent (although most terrorists are Muslim, a minute number of Muslims are terrorists; cf. virtually all rapists are men, but only a tiny proportion of men are rapists). Scruton is absolutely right that politics cannot always be about inclusion; it must involve exclusion as well (p. 50), if only to ensure societies have roots and to maintain harmony between public laws and customs and the private choices made by individuals (pp. 6, 83, 123). However, the moral problem is how to exclude humanely and justly. Scruton doesn't really engage with that *desideratum*. Furthermore, if the charge against Islamists is that they are importing an alien ideology into an unprepared society, can't that same charge be levelled against the neo-conservatives, whose attempts to introduce capitalism to Russia or democracy to Iraq look pretty similar in that respect (pp. 148-149)?

Similarly, the sticky mess of political correctness seems impossible to scrape off, like something on the sole of one's shoe, and Scruton has my support in railing against it (pp. 128, 151). However, it is a symptom of a deeper issue, that of identity (p. 129). Scruton has always written of politics as requiring a first person plural, a 'we' (pp. 3-4). Identity politics has taken that idea and run with it, in a direction that is not very congenial for conservatives, while simultaneously inventing the ludicrous neologism of 'othering' to name the sin of exclusion. A world without exclusion will be a world in which trust is at a premium and cooperation extremely difficult (p. 5), and where we will struggle to maintain what Smith called "mutual sympathy of sentiments" (cf. pp. 37-38). Heavyweight books have recently appeared on the topic by Fukuyama (2018) and Appiah (2018), and there is plenty to unpick; Fukuyama, like Scruton, is an admirer of Hegel. But sadly, Scruton's *Conservatism* is not going to be cited in these debates, and the opportunity for dialogue has been missed.

So, what are the elephants in the room that Scruton should have mentioned in his final chapter? The first metaphorical elephant is a literal metaphorical elephant: the Republican Party of the United States. There is now a powerful identification between conservatism and Republican politics (p. 105). 'Conservative' now covers everyone

from big Staters like Ronald Reagan and George Bush Jr, to religious and cultural fundamentalists like Pat Robertson and Ted Cruz, to tax hawks like Grover Norquist and Jeff Flake, to defence hawks like John McCain, to libertarians like Rand Paul, to unprincipled characters like Lindsay Graham, to people with no identifiable political views whatever, like the 45th President of the United States.⁵ The label is becoming meaningless. A wholly regrettable strand of academic psychology has grown up off the back of this that claims to uncover psychological characteristics of self-identified ‘liberals’ and ‘conservatives’ (based only, needless to say, in the US) using a methodology of surveys and leading questions (cf. e.g. Jones et al 2018).

Scruton does note in passing that the word ‘liberal’ has changed its sense (p. 105), but his focus on conservative *tradition* means he can side-step the question of whether the same has happened to the *meaning* of the c-word. If he is to interest people in the rich strand of politics he defends he surely has to sever the rhetorical connection with the Republicans. US politics is severely broken, and the Democrats do not smell of roses, but the chief culprits are certainly the Republicans. The key moment was the 1992 Republican primary, when Pat Buchanan relentlessly attacked President George Bush Sr over his wholly sensible reversal of the silly 1988 campaign promise not to raise taxes, to address the ballooning deficit. Newt Gingrich’s Contract With America further reduced the space for the political compromise essential for a party-political system, as did the Tea Party. George Bush Jr, despite being elected on a bipartisan platform, governed in a strongly partisan way, even before the terrorist attack on the World Trade Center (O’Hara 2005, p. 286). Republicans are far more responsible than Democrats for trying to shut government down, for gerrymandering their constituencies, for making it harder for people, especially black people, to vote, and for ignoring due process (the refusal of Republicans in the Senate even to consider Barack Obama’s candidate for the Supreme Court, Merrick Garland, in 2016, was a disgrace, dragging an institution that is supposed to be above politics into the Washington swamp, where it is now mired). Their dismissal of the science of man-made climate change (however uncertain it is) as a Chinese plot is little short of lunatic (what do the Chinese gain, never mind the scientists?). Plenty of Republican politicians seem to me at least to be certified religious extremists, and should therefore be in Scruton’s crosshairs, even on his own account (p. 127). Finally, the ease with which the party’s establishment surrendered decadesworth of principled, practical politics to fall behind

the monstrous Donald Trump was jaw-dropping—at least the British Labour Party’s capitulation to the slightly less ghastly Jeremy Corbyn was prompted by a huge and now unstoppable influx of new activists, and not a shameless *volte face* on the part of the establishment.

The Republicans appear to be as unconservative a party as one could imagine, quite happy to promote nakedly partisan advantage however it undermines the stability of the US or threatens the balance created by its artfully crafted constitution. Whatever the Republicans are for, they are against politics as it has been traditionally understood in the US for many decades. The dreadful state of quotidian US politics is obviously below the philosophical level at which Scruton is writing, and one would not expect him to address it directly. He could, however, make the point, against increasingly common usage, that being a conservative neither implies nor is implied by being a Republican (or a British Conservative Party supporter, for that matter). In so far as he does address it, however, he seems to embrace Republican orthodoxy rather than to distance himself from it. He writes in support of the American constitutional originalists, who believe that the original intentions of the writers of the constitution and the Bill of Rights should be paramount (p. 142). I don’t despise this view, especially as the crafters of the constitution, especially Madison, seem to me to be as wise a group of political thinkers as we have known (p. 43). However, it won’t settle everything. When Warren and Brandeis published their ‘discovery’ that there was a ‘right to be let alone’ in the constitution (1890), for example, this was prompted by a new problem caused by the development of the box camera, which seemed to invade privacy in a wholly new way, and there was no reason to think that the framers of the constitution anticipated the problem or would have fallen on one side or the other of the debate.

The constitution needs interpretation: that is how written law works, text invites interpretation. Even the originalists interpret the text, and interpret the beliefs of the framers through the text. Unfortunately, the originalist position often seems more like a *post hoc* rationalisation of a pre-existing view, such as opposition to abortion or gun control, rather than a conservative reassertion of a long-accepted truth. The well-known conservative principles, from Burke and elsewhere, that societies have to adapt to changing circumstances, and that they are associations which include the as yet unborn, surely rule out the originalists’ dogmatic insistence which goes far beyond Scruton’s phraseology that “all such extrapolation must be guided by respect

for the overall intentions of the constitution” (p. 142). Indeed, to the extent that ideologues of all persuasions have adopted “the habit of importing interpretations of constitutional clauses to satisfy this or that ... prejudice” (Ibid.) for some time, it doesn’t seem like “a violation of the democratic traditions of the American people” (p. 143) at all.⁶ On the other hand, if we understand the “overall intentions of the constitution” widely, then surely these would include rendering conflict tractable, the nation adaptable, and bringing the parties of the time together with dignity and patriotism—these have not been conspicuous aims of large parts of the post-1992 Republican Party. If Scruton’s aim is to persuade people to the conservative cause, the endorsement of originalism is hardly going to provide any *independent* ground for changing minds.

Consider, for example, Supreme Court Justice Antonin Scalia’s originalist argument in *DC v Heller* (2008) that the second amendment guarantees an individual right to guns, independently of any kind of commitment to militia service. The second amendment reads “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Scalia conceded that ‘to bear arms’ can mean to belong to an organised military force, but insisted it is not its core meaning. Scalia’s interpretation, therefore, imputes to the framers a particular interpretation of the term ‘to bear arms’, and assumes that the mention of a militia in the amendment’s wording is an inexplicable *non sequitur*. Even if these were the case, can we really be sure that any of the framers, transported to the present, would be untroubled by a situation where semi-automatic weapons are routinely used to blow away innocent people at random, and in which an American is more likely to be shot by a toddler than killed by a terrorist? Maybe, but it is hard to see this as a given. They might, perhaps, have agreed that one could always bear arms but not unlimited quantities of every type (e.g. not automatic or semi-automatic weapons), or they might have argued that only men could bear arms but not women; I don’t know what they would have said in 2019, and indeed no-one does. Resistance to the use of the constitution to force through the legalisation of abortion, or redistributive economic or social policy, can surely be expressed without the imputation of a (quite likely straw man) position to politicians and lawyers of over two centuries ago who are no longer around to demur. The framers’ opinions are not trumps,⁷ and the dogmatic use of reconstructions of their opinions hardly seems *conservative* at all.

A second elephant is the financial crisis. Scruton’s general approach is to support free markets and economic liberalism, and this is obviously correct. A functioning market, where people can freely exchange their own property on their own terms, is about as conservative an institution as you can get. However, not all markets are beneficial, if they “reduce the labourer to a mechanical shadow” (p. 40). They should also rest upon moral and legal norms and practices that support honest behaviour and good faith (pp. 42, 55, 57, 135), and whether we can ground entire social philosophies on the tendency of groups to display spontaneous order alone is a moot point (pp. 107-108).

The financial markets of today are very different from the architecture erected after WWII to render international capital flows legible and, to an extent at least, controllable. This architecture was undermined over several decades, not least by the City’s invention of the Eurodollar and Eurobond markets in the 1950s and 1960s, and capped by Big Bang in 1986. The aim of all these was not to fix anything wrong, but rather to remove opportunity costs by getting rid of ‘artificial’ restraints on trade. Combine this deregulated world with innovative prowess, now enabled by technology, that created financial instruments of such complexity as to defy human-scale rational understanding and decision-making, and we get a world that is neither legible nor controllable. These derivative instruments—of great value for hedging risk—became ever-cleverer ways of borrowing from future earnings, spending the money we confidently expect future generations to earn. Scruton is silent on whether this kind of innovation is a good thing, or whether it should be capped, and if so, how. He is also quiet about potential responses to the crisis. Was austerity the answer? I suspect it should be on the conservative view, as a means of respecting generations yet to be born, and of addressing moral hazard (cf. p. 110). Yet it is probably the orthodoxy of mainstream economics that austerity was a bad response to the crisis and a self-defeating policy.

Liberalism and the deregulated financial order have been (mis)sold to voters as a means of generating wealth permanently; I think conservatism is an ideology that could help communicate that economic activity is not a God-given right, but rather is a by-product of productive work and service, and that we cannot simply *expect* increases of wealth to happen as by a law of nature, or hold our governments solely responsible when they don’t. Margaret Thatcher risked all in her first term to explain this point to a fractious nation. This is not a small point: the Soviet Union fell because it failed to generate sufficient wealth to persuade its

people to put up with it. If the ‘social contract’ has degenerated into a vague promise of ever-greater prosperity, then liberalism is indeed in trouble.

A third elephant is technology, and technological change. Social networking, big data, the decreasing relevance of space and time, total surveillance (wait until the Internet of Things meets face and voice recognition) and personalisation are all rapidly and radically changing the ways in which we interact and associate. Technology has destabilised politics, leading to what Margetts et al have called chaotic pluralism (2016); it was the failure to appreciate how technology might affect the dynamics of a political party that led directly to the election of Mr. Corbyn as leader of the British Labour Party, and the destruction of that party as a means for implementing social democracy. Technology is certainly helping undermine further the loyalties and understanding rooted in land and place, which have always featured front and centre in Scruton’s philosophy. The faith placed in digital modernity (O’Hara 2018) lacks serious opposition, and the digitisation of virtually every kind of human interaction, allowing it to be studied, measured and optimised, is increasingly common. From *The Economist* of 18th August, 2018, about online dating:

Reducing romance to number crunching may sound crass. It will doubtless have its limits. But many phenomena that appear complex from a human perspective often turn out to be simple seen through disinterested data. The trick is finding the data that do it best, which is perhaps the most interesting area for dating apps to compete in: is it heartbeat on first meeting, measured through a smartwatch? Time spent on first dates? Netflix queues? Subway stops missed on the way home?

Is this a world the conservative should welcome or revile? Or simply understand to be outside his ideological purview—none of his business? It gets a mention in *Conservatism* (p. 1), but no elaboration. It is certainly a revolution, but even revolutions can be the means of ensuring continuity (p. 33). Maybe the requirement to maintain the Internet and the Web as a functioning information space might be the means for returning social thought from the rights-based individualism that makes claims on society, and back towards a contributory, duty-based conception (p. 53). Maybe the social machines about which I have written (Shadbolt et al forthcoming) might be the ‘little platoons’ of the future (p. 47). Or alternatively, will the technology

usher in greater complexity and invite further bureaucratic incursions from the state into social life (p. 104)? Will new forms of association lead to further decline of the traditional moral order, following those attacked by Ortega y Gasset in the 1930s (p. 126, and cf. Margetts 2016).

There is a fourth elephant that would have fitted well into this book’s Chapter Six as well, which is the environment. Scruton has, of course, written eloquently and at length about that elsewhere (2012)—still, a pointer would have been useful.

In short, the problem with Scruton’s invitation is not that it is inaccurate, or partial, or uncompromising. The first five chapters are wonderful. But the selectivity of the sixth chapter, and its conspicuous neglect of virtually everything that concerns non-conservatives, mean that it is unlikely to make very many converts. This is a real shame: Scruton’s wider message is needed at the moment. “The *bürgerliche Gesellschaft* is neither historically transitory nor morally corrupt: it is simply the highest form of ethical existence, in which humankind’s enduring but imperfect nature is realised to the full” (pp. 66-67). Yes. Yes, yes, yes.

NOTES

- 1 Unless specified, all page references are to Scruton 2017a.
- 2 I believe I am adapting a quote here from Scruton himself in a different context, although annoyingly I can't find it amongst the dozens of books he has published.
- 3 Referendums are fundamentally bad ideas when transplanted into political cultures where they are alien, as I argued in (O'Hara 2006), and with which I believe Scruton agrees (2017b).
- 4 Fair cop: many years ago I thought that Mr Cameron might lead a revival of conservatism (O'Hara 2007). It goes without saying that, even if he wished to, which is doubtful, he failed spectacularly.
- 5 Scruton writes that "Ideology proposes a kind of politics of war: the message is, you are either with us or against us, and we shall win in any case. This goes counter to the entire political tradition of Anglo-American representative government, which involves the acceptance of certain procedures and institutions as 'given'—i.e. as creating the framework within which disagreements can be negotiated" (p. 113). Absolutely right, although I would say that this applies to means-based ideologies, rather than all ideologies (I take conservatism to be an ideology). The point here is that ideologies are not the only way to undermine representative government. Donald Trump has no discernible ideology, and yet makes the same presumption that politics is war.
- 6 Scruton's point would be clearer if he hadn't already praised prejudice earlier in the book (p. 48). At that point he is using the term in Burke's specific sense, but even so we're left with a knot to entangle, as to why a liberal prejudice 50 years ago should have lower status than that of prejudice in the philosophy of a Whig who was writing at a time at which liberalism and conservatism had not yet gone their separate ways.
- 7 Nor, to emphasise the pun, Trump's.

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