There Is No Such Thing as a Political Conservative

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There are people who call themselves political conservatives. They are not always taken seriously. In fact, rather than deal with the first-order content of what conservatives say, some in our political culture reflexively content themselves with the hermeneutics of suspicion, dismissing conservative ideas as driven by suspect psychological forces or as harmful to vulnerable persons.[1] This reaction has a distinguished heritage; both Thomas Jefferson and Karl Marx accused the archetypal conservative Edmund Burke of being some combination of stupid and corrupt.[2] For my part, I have not been able to shake the sense that there is more to the worldview than the naked preservation of privilege or the mere blowing of dogwhistles. I am writing this paper partly because I sense that there is something good and important in the classical conservative mindset. In addition, I want to know what it means to take that impulse and turn it into a political philosophy, as have Robert Nisbet, Michael Oakeshott, John Kekes, Noel O'Sullivan, David McPherson, Gertrude Himmelfarb, Roger Scruton, and, of course, Burke himself.[3]

Yet, as generations of political philosophers have discovered, it is actually very difficult to say just what conservative thought is. In this paper I will attempt to lay out the most coherent set of ideas that can be extracted from the (Anglophone) conservative tradition.[4] This is no mean task, since many have argued that there is no such set of ideas, with some even claiming, in the pages of this journal, that any attempt to define the view is merely an ideological exercise (Bourke, 2018). Rather than argue directly against such a view, I will simply try to demonstrate that it needn't be true.

That being said, having conducted this exercise and arrived at what I take to be a workable criterion, I am forced to conclude that conservatism is simply not a believable political philosophy. I mean this literally: as a political philosophy, I don't think that anyone actually believes it. It is not just that the view is merely counter-intuitive in some sense or another, it is that at certain points in the political decision-making process it simply ceases to exist, necessarily being replaced by some more substantive, progressive political ideal. This negative result is consistent with there being conservative political *reasons*, reasons to preserve or maintain our shared institutions simply because they are the ones we have. Perhaps the people who call

[1] Of course, many contemporary conservatives have learned to play this game too; for a discussion, see (Smyth 2020).

[2] Jefferson accused Burke of operating under both "wicked motives" and "rottenness of mind", and Marx dismissed him as "an out and out vulgar bourgeois" (Marx, 2004: , ch 31, fn.13; Jefferson, 1791/1950)

[3] I draw mainly from (Burke, 1790; Nisbet and Stone, 2017; Nisbet, 1962; Oakeshott, 1962; Kekes, 1997; Kekes, 2018; Himmelfarb, 1995; Scruton, 2008; Scruton, 2006; Huntington, 1957; Oakeshott, 1991).

[4] The conservative philosophical tradition is vast and spans many cultural traditions, and I regret that I cannot incorporate anything like a global scope into this paper. For more, see (Viereck, 2017; Suvanto, 2016)

themselves conservatives are valuable members of the polity because they are inclined to remind us that such reasons exist. But there is no such thing as a political conservative, understood as someone who embraces a distinctive and comprehensive political doctrine.

Before proceeding to the main argument, however, I will try to say something about what it means to define a political view in this way, and about the importance of doing so.

1.   Defining Political Ideologies

A perennial line of thought holds that political ideologies have their roots in a kind of basic psychological orientation towards the social world. For example, we might say that a temperamental liberal is just someone particularly disposed to chafe at bondage or domination, and that a temperamental socialist is someone who more keenly feels the soullessness of alienated labor and the unfairness of severe inequality. So perhaps the distinction between conservative and 'progressive' ideologies can be made by citing two distinct orientations of this sort (Freeden, 1996). Indeed, it has long been common to hear conservatism described in this way (Cecil, 1912; Kekes, 2018: 5; Oakeshott, 1962: 408). For example, David McPherson has recently described what he calls *existential conservatism*, which is a kind of general disposition to affirm existing value, based on our need to "discover, appreciate, affirm, and conserve what is good in the world as it is" (McPherson, 2019). The contrary suggestion is that an existential *progressive* is just someone disposed to seek possible-future goods, or to default to a sort of critical perspective on the world as it is.

But to rest easy with these broad characterizations is to abandon a central ambition of political philosophy and indeed of political life more generally, which is to inquire into which of these competing temperamental dispositions reflects a more general *truth* about how states ought to govern, or about how institutions ought to be managed. Thus, the political liberal thinks that their orientation is reflective of one such truth, namely, that the state's primary role is to secure freedom from domination for all, to the extent that this is feasible. The socialist, inasmuch as they articulate a normative view, wishes to abolish class distinctions and to create a world where all labour is non-alienating. The articulation of such principles, in turn, helps to guide real political decision-making, since governments really do enact policies on the basis of these general ideas. Proponents of such views do not merely rest easy with descriptions of their personal psychological dispositions, because references to vaguely defined dispositions or practical orientations do not help us to adjudicate political disputes or make policy decisions. At best they can only help us to *describe* those disputes more perspicuously. Quite obviously there are people who are temperamentally inclined to oppose social change, but if it isn't the case that we as a polity *ought* to oppose such changes, then the inclinations themselves are of dubious relevance.

Of course, personal orientations or dispositions may have legitimate authority over individual decision-making, and thus a conservative might find themselves driven to support a small local shop and eschew the new big-box retail store. Their own aversion

to the new, faceless store may be enough to justify this decision. But unless the disposition itself reflects a more general political truth, the conservative cannot say why *the state* has reason to protect the small shops by refusing to issue the larger chain outlet a building permit. Put another way, they cannot say why their disposition has authority over anyone else, and this renders the disposition itself politically irrelevant. Surely this was not what Burke intended when he attacked the French Revolution; the destruction of the *ancien régime* was supposed to be a disaster for France itself, and not merely for those within France who were temperamental conservatives.

Thus, in this paper, I seek to *define* conservatism, as an ideal-analytical type meant to guide political decision-making, and not to simply characterize or describe it in social, historical or psychological terms. Admittedly, any such exercise must prune away a great deal of what many will find interesting about the view. However, if it can be discovered that *no* believable principle can emerge from this exercise, then we will have discovered something very interesting: conservatism *cannot* be a comprehensive political doctrine. This, in fact, is what I will conclude: there is *no way* to turn the conservative orientation into a comprehensive political view. Or, to repeat, there is no such thing as a political conservative, since even self-described conservatives will be forced, at various points, to affirm progressive values and principles.[5]

2. Criteria for a Definition

In conducting this exercise, I seek a description of conservatism that is (1) reasonably unified, (2) distinctly normative, and which can (3) distinguish the view from salient alternative theories. Many existing attempts to define conservatism have failed to respect the importance of these requirements. For example, in response to the definitional question, many self-identified conservatives have provided long, rhetorically charged laundry-lists of seemingly unrelated ideas.[6] While such lists may accurately describe the beliefs that some people have, we can only wonder why such beliefs are grouped under a common *name* if they share nothing in common which unifies and explains them (Plato, *Meno* 72a-d).

The second criterion is that there must be a sense in which conservatism is essentially normative or action-guiding, and again this requirement is not always respected. Thus, it is sometimes suggested that conservatism amounts to the view that deep change or alteration to human societies will likely lead to unforeseen consequences which are on-balance negative. It is very unwise for the conservative to rest easy with this thought,

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[5] It remains entirely possible that alternative political views also suffer from this flaw. Perhaps the human scene is too complex and multifaceted to be governed by a single impulse, however subtle or complicated it may be. It may be that when each impulse tries to claim *sole* ownership of political normativity, things invariably fall apart. This essay is an attempt to illustrate how things fall apart for the conservative in particular, but while I lack the space to adjudicate this question, it should be stressed that this kind of failing may be not unique to conservatism.

[6] Russell Kirk's oft-quoted *Concise Guide to Conservatism* "defines" the view over four full pages using ten distinct ideas that are said to be the "essence" of the view. (Kirk, 1957: 8-11) Samuel Huntington managed to pair this list down to a more manageable but no less disunified six items. (Huntington, 1957)

since the course of human history pretty decisively shows that major changes to human psychology and social life are not only feasible but eminently desirable.[7] More importantly, however, this effectively turns the view into a very large *empirical* hunch about human beings which can only be directly confirmed or disconfirmed by work in the social and psychological sciences. Since the view would contain no distinctive normative elements, there would be literally no sense in speaking of conservative *values*.

This leads to the third criterion, since we can note that this merely empirical conception of conservatism must be wholly compatible with the normative elements of either liberalism or socialism. That is, the conservative could just be a liberal with a dangerously under-supported empirical hunch about the practical feasibility of deep change as such. It is impossible to read Burke, Oakeshott or Scruton and to think that this is *all* there is to their disagreement with their ideological enemies.

Many other existing attempts to define conservatism fail to distinguish the view from its obvious rivals. In his classic study, Noel O'Sullivan defined conservatism as a philosophy of *imperfection*, as the conviction that human beings and human society can never be brought to an ideal state. Thus, conservatism is just anti-utopianism (O'Sullivan, 1976: 11-12; for discussion see McPherson, 2022: ch 3). Yet, O'Sullivan did not see how problematically inclusive this characterization was. It is only disputed by the purest utopian, someone who literally commands political agents to actually aim at perfection. Certainly no classical or contemporary liberal is excluded by this conception of conservatism, since the liberal view does not aspire to *perfection*, merely to the establishment of an order within which flawed, limited human beings in conditions of inevitable conflict are maximally free to make choices, good or bad. Rawls himself was clear that even within a so-called liberal utopia, many members may "suffer considerable misfortune and anguish, and may be distraught by spiritual emptiness" (Rawls, 1993: 128).

Conservatives typically join socialists in saying that we should not adopt this liberal vision for the future. But *why*? Socialists typically have an answer: liberty, as conceived by the liberal, is an empty value, one which inevitably erodes true human goods like solidarity, community and non-alienation. This answer is firmly grounded in distinctive socialist values. But when the conservative opposes that liberal future, what *conservative values* ground their opposition to this proposal? Certainly not anti-utopianism, which is inert in this case, since the liberal is not arguing for a utopia.

Once again, the problem here is that these definitions fail to isolate the nature of the disagreement with rival theories. To do so requires the distillation of a principle or set of principles which is unified, normative, distinctive, and rooted in recognizably

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[7] It is not just that people have changed their moral and political views, rather, a little reflection on the erstwhile popularity of such things as public torture and witch-burnings reveals that fairly basic psychological tendencies themselves have been rewired in many parts of the world (Nietzsche 1885). And when it comes to social institutions, Mill was plainly right about the feasibility of many profound social improvement projects, most notably in the cases of the education of women and in the establishment of freedom of speech (Mill, 1869; Mill, 1859/1998) The hard-line conservative might not see these *as* improvements, but the discussion would then have to again proceed to the question of the normative *basis* for such a conviction. That is precisely what we are seeking here.

conservative orientations or dispositions. I think we can do better, and in what follows I will try to do so.

3.   The Nature of Conservatism

In popular discourse, "Conservative" is often just a label that attaches to certain political values. But since those values do not make any reference to conservation, this labeling can produce serious confusion. Thus, advocacy for the rights of gun owners is allegedly a "conservative" cause, but of course there needn't be any sense in which such a value calls upon anyone to conserve anything. In a country where gun ownership is banned, anyone who wholeheartedly embraces gun rights advocacy is in fact a radical. So, in this paper, I will try to go beyond this unhelpful labeling and isolate something essentially *conservationist* about the conservative school of thought.

First, without taking any stand on their nature or distinctiveness, I'll just stipulate that there are such things as *political reasons*.[8]   Political reasons generally concern the establishment and maintenance of social institutions and the maintenance and distribution of resources within a given territorial domain. The question of who ought to act on these reasons is not as straightforward as it might seem. The standard answer is that the group agent called "the state" acts on political reasons, and this is surely correct, but it is actually part of the conservative tradition to deny that *only* the state acts on political reasons. After all, according to many conservatives, it was the contrary liberal tradition which popularized the individual-state dichotomy, and thereby caused us to forget about the countless "middle institutions" which both constitute and actively maintain our shared lives together, such as workplaces, families, churches, guilds, clubs, and so on (Nisbet 1986: 37-38). Those in control of such institutions may also have political reasons.

Thus, when we are looking for a comprehensive political doctrine, what we seek is a reasonably unified account which tells us of where all political reasons come from. A liberal might tell us that our reasons arise from the overarching importance of negative liberty (Berlin, 1958). A socialist might say that our reasons flow from the value of a possible-future world without alienated labor or class distinction. I believe that by carefully considering the basic dispositions central to the conservative temperament, the conservative can try to say something similar.

Now, it seems clear enough that McPherson is right, and that the conservative orientation involves some kind of affirmation or appreciation of the actual value in our world. This involves deprioritizing what McPherson calls the *choosing-controlling stance*, a contrary sort of practical orientation which constantly seeks greater control over our circumstances, seeking to correct flaws and improve our lot (McPherson 2022: 17). What does a political principle grounded in this conservative disposition look like?

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[8] For my purposes here, it doesn't matter where such reasons are a *sui generis* kind or whether they are reducible to moral or prudential ones. See (Erman and Möller, 2022).

Note that first we need to decide on what might be called the conservation class. That is, what exactly is it that the conservative is seeking to conserve or affirm? I suggest that the conservative should speak of conserving *institutions*, but that they should use this word very broadly. An institution, as I understand it, is just a pattern of norms within a group, where those norms may often make reference to certain material realities: a building, a certain area, a piece of art or a type of object, and so on. Thus it is a norm that the Canadian Parliament should convene at certain times on certain days of the year, but the norm itself commands members of parliament to convene at the Parliament *buildings* and indeed in specific areas of those buildings. To conserve this institution in the fullest sense is not merely to retain the practice of convening; rather, it is to retain the building itself as a suitable space for the enactment of the norm.

Having said all of this, I will note that the conservative may also wish to broaden this conservation class, most notably to include ecological systems. Scruton in particular has written extensively on the conservative case for environmentalism, a case which goes beyond social institutions as the only objects intrinsically worthy of conservation (Scruton, 2012). However, I will continue in this paper to speak of institutions as the primary objects of conservation, as for my purposes nothing of significance hangs on this.

Next, let us say that a *well-established* social institution is one which, in a given social context, commands wide and mainly unreflective adherence to its basic constitutive norms and structures (Railton, 2006). Participants in a well-established institution do not typically stop to ask whether they ought to follow these basic rules, and that is in large part because they are *attached* to them. Violations of these norms provoke negative reactive attitudes, and these attitudes (of course) are what help to keep the norms in place. However, as Oakeshott says, within such a tradition "*approval* and *disapproval* are only an abstract and imperfect way of describing our unbroken knowledge of how to manage the activity of desiring, of how to behave" (Oakeshott, 1977). It is not that participants in such an institution are normally subject to censure or to explicit reward, rather, they have long since learned to avoid this by acquiring a certain kind of practical knowledge.

Finally, there is a crucial distinction, drawn by Burke himself, between *essential* and *peripheral* parts of institutions. This is not easy to draw in practice, but there are clear examples. If the Catholic Church simply gave up on the papacy, vacated the Vatican and declared that every parish was entirely free to direct its own affairs, this would constitute the *dissolution* of that church. It is clear enough that the norms and structures which constitute the Vatican's authority over its membership are what give Catholicism its essential flavor. On the other hand, if the Cardinals decide to start wearing robes of a slightly different color, this is arguably a change in a peripheral norm, one which is in no way essential to the institution as such.[9]

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[9] The conservative may not need to describe institutions as possessing strictly necessary and sufficient conditions for their instantiation, or to embrace the corresponding idea that there are metaphysically essential elements which cannot be changed without entirely erasing the institution itself. It may be that they may opt for a *family-resemblance* conception of institutions, according to which several elements may

In Burke's hands, this became the distinction between change and reform:

> there is a manifest, marked distinction…between change and reformation. The former alters the substance of the objects themselves… Reform is, not a change in the substance, or in the primary modification, of the object, but, a direct application of a remedy to the grievance complained of. So far as that is removed, all is sure. It stops there; and, if it fails, the substance which underwent the operation, at the very worst, is but where it was. (Burke, 1796: 27).

Importantly, Burke did admit that in times of "extreme emergency" there might be a justification for fairly drastic change, but even in such cases he insisted that such change was only as a means to preservation. The change, he said, should be confined entirely to that part of the social institution "which produced the necessary deviation". And while he famously declared that "A state without the means of some change is without the means of its conservation", he justified this by remarking that "Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve." (Burke, 1790)

So, with these ideas in hand, we can try to state the basic idea behind political conservatism. As a first pass:

> **Political Conservatism (1)**: political reasons just are reasons for a group of agents to preserve the essential elements of their well-established institutions, and to reform the peripheral elements when necessary.

Notice that this principle meets the three criteria outlined earlier. It is reasonably clear and unified, it is essentially normative or action guiding, and it marks a distinction between conservatism and both socialism and liberalism. The socialist will be happy to scrap any number of well-established institutions, centrally those supporting class distinction and alienated labor, and the liberal will do the same if such institutions fundamentally require the suppression of liberty.

However, we should now note that there is no mention here of any preserved institution's being good or choiceworthy in any sense. A fundamental question is: should the theory include this idea? Should there be a defeater clause which disqualifies some institutions from preservation?

As Andy Hamilton suggests, this is perhaps *the* central question facing conservative theory (Hamilton, 2020). In fact, this choice is a dilemma, because neither option leads to a comprehensive and believable political theory.

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compose (for example) a democracy, or a family, without any of those elements being strictly necessary *(Wittgenstein, 1954)* And they may embrace a corresponding theory of social change where one or more of these core elements may change without this institution suddenly ceasing to exist. However, it would still be possible to destroy an institution by undermining enough of its core features, and *this* would count as 'change' in the Burkean sense.

4. The Dilemma

On the first horn of this dilemma, the conservative stops at **Political Conservatism(1)**, and simply prioritizes well-established institutions as such. But we should note as a preliminary that this conservative faces a pretty obvious objection. As Ted Honderich wrote in his study of conservatism:

> if conservatism were at bottom a defence of the unaltered and familiar, in the plain meaning of the phrase, we should have a mystery on our hands, the mystery of how an egregious idiocy could have become a large political tradition… it would fail to make the most elementary distinction in life: between what is familiar and good and what is familiar and bad – and hence the distinction between bad and good change. *Anything*, after all, can become familiar… (Honderich, 2005: 7-8)

So, the obvious fix here is to complicate the theory by adding a *defeater clause:*

> **Political Conservatism (2)**: political reasons just are reasons for a group of agents to preserve the essential elements of those well-established institutions *which meet some further criterion*, and to reform the peripheral elements when necessary.

It is not just that the protected institutions are well-established, though this remains a necessary condition, it is also that they are good or valuable or well-grounded in some sense that needs specifying. This sort of defeater clause commonly appears in conservative writing. John Kekes insists that conservatives "aim to conserve some traditional political arrangements, but only those that reflection shows to be conducive to good lives" (Kekes, 1997). It would seem that for many in the tradition, it is not just that we have well-established institutions, it also matters that the institutions are good ones in some further sense.

These, I claim, are the two basic paths available for a political conservative, one grounded in attachment, the other grounded in valuable attachment. Unfortunately, conservative thinkers sometimes oscillate, in a deeply unhelpful way, between these two conceptions. Consider the two ways in which Scruton defines his view, in one and the same work:

- "Conservatism is the philosophy of *attachment*. We are attached to the things we love, and wish to protect them against decay."(Scruton, 2014: 29)

- "The conservatism I shall be defending tells us that we have collectively inherited *good* things that we must strive to keep." (Scruton 2014: 21)

He did not see that the conservative has to choose, between prioritizing what I am calling well-established institutions (i.e. those to which we are attached) and

prioritizing the subset of those which are in fact good. This is the dilemma. Yet, before proceeding to criticize each of its horns, I should address a possible objection.

5. Interlude: Burke on Tradition and Value

At this point, some conservatives might be wondering whether I am entirely missing the point. I am, after all, forcing the conservative to choose between merely preserving well-established institutions and only preserving *good* ones. But this, they will say, is to miss something central to conservatism, for as Burke argued, the fact that an institution is well-established just *is* the primary form of evidence we have that it is good. He, with Tocqueville, insisted that society itself is only possible when most people unreflectively follow their social instincts, and it is only the progressive rationalist who cleanly distinguishes between these instincts and the faculty which detects value.[10] Thus, these are not two distinct facts, the attachment and the goodness, rather, the fact that people continue to be widely attached to an institution is the best evidence we have for the institution's value.

However, I don't think this thesis actually accomplishes anything here. For now we must ask: what exactly is the proposed *relation* between an institution's being well-established and its value? If it is a relation of identity, then this is the claim that an institution's goodness just *is* its being well-established. On this reading, the value clause is essentially redundant, and this conservative is taking the first horn of my dilemma. For if "good" and "well-established" amount to the same thing, then we may simply continue to speak of preserving well-established institutions without loss. Put another way, since all well-established institutions will automatically meet the value-threshold, there is no *defeater* clause available for the view. We will just have to preserve the essential elements of any and all well-established institutions.

Alternately, this Burkean relation can be taken to be epistemological, such that an institution's being well-established is strong (not decisive) evidence in favor of its value. On this reading, there *are* two distinct politically relevant facts, attachment and goodness, and thus it is entirely possible that a well-established institution can be extremely bad. This conservative is just taking the second horn of my dilemma.

I conclude, then, that the conservative is certainly faced with that dilemma. They must choose between these two conceptions of the theory, one which merely seeks to preserve well-established institutions and one which seeks to preserve those institutions which meet some further criterion. However, as I will argue, neither of these paths results in a coherent or comprehensive political theory. I'll begin with the conservative who chooses the first horn and argues that politics is just about preserving the institutions we actually have.

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[10] Tocqueville: "If everyone undertook to form all his own opinions and to seek for truth by isolated paths struck out by himself alone, it would follow that no considerable number of men would ever unite in any common belief." (Tocqueville, 1833).

6. **The First Horn: Preserving Well-established Institutions as Such**

What does it mean to say that politics is just about conserving existing well-established institutions? In my view, it is useful to compare this thought to the so-called *integrity objection* to consequentialism. Bernard Williams argued that it was "absurd" for utilitarianism to ask of a person that they simply step aside and abandon an identity-constituting project so that the world should contain more happiness (Smart and Williams, 1973). In basically the same way, the conservative feels that it is absurd to ask of the members of a community that they just step aside and accept essential changes to their identity-defining institutions in the name of increased value, happiness, efficiency, or indeed anything else.

Williams' thought was that a person's practical identity is constituted by certain projects and commitments, certain patterns of action which define a person and which give their life a certain shape. This conservative senses that the same is true of communities, which may (generally speaking) display certain enduring and definitive attachments or commitments. While the idea of a person's identity being constituted by commitments is actually a little murky, it is in fact highly plausible that groups or communities are literally *constituted* by well-established institutions.[11] To change their essential elements is to literally dissolve the community, and Political Conservatism (1) simply says that all communities have an inalienable right to resist this threat. In my view, this is what a conservative political reason is: a consideration in favor of preserving an institution that is community-defining in just this sense.

But the conservative political *theory* goes further and claims that all political reasons are like this, that a community's basic political reasons direct them to protect and preserve their own way of life. To many, this view will seem like a non-starter. Generations of critics have echoed Honderich in thinking that to valorize and protect something merely because it is traditional is to commit an elementary error. Right away, Mary Wollstonecraft attacked Burke's conservatism, which, she claimed, leads us to protect any "unnatural custom, which ignorance and mistaken self-interest have consolidated" (Wollstonecraft, 1790/1997). There is obviously a lot to this well-worn objection, and if the reader finds it convincing, they should conclude that the conservative should take the second horn of my dilemma, and allow for the elimination of well-established traditions which are in fact based on the sorts of errors Wollstonecraft describes. However, my argument does *not* rely on the conservative being forced to preserve some bad or evil institution; my problem, I think, goes much deeper.

I want to argue that, aside from any potential counterintuitive implications, this

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[11] In his polemic against conservatism, Honderich does not consider this possibility, preferring to lampoon the idea that a *person* will lose their identity without their commitments. "I fancy, to glance back, that Oakeshott, if he
found himself without some of his friends, the copse, customs of behaviour, homeland, good luck, some past abilities, and also the clown, would still be Oakeshott. He himself would also have a pretty good idea of who he was. He'd probably say Michael Oakeshott." (Honderich 2012, 18-19) Notice, however, it is actually far *more* intuitive to say that if an independently definable community loses all of the institutions and structures around which it organizes its activity, it is no longer *the same community*, even if the same individuals inhabit the same geographic space.

conception of conservatism cannot be genuinely *comprehensive*. This is because institutions often develop or contain essential elements which can easily come into deep conflict. The conflict may not be immediately apparent, but eventually, the inhabitants of such institutions must decide what to do about it. To illustrate, consider an interesting choice that Jewish community leaders faced long ago. In many such communities, there was a prohibition against work on the *shabbat* (sabbath).[12] This prohibition is clearly outlined in the Torah and was followed to the letter in many ancient societies. Yet, another widespread and highly valued practice emerged, namely, assisting others in dire need within the community. But this rather clearly counted as *work*. Situations obviously arose where one of these well-established sets of norms had to be decisively weakened, since whole communities could be in dire need on the Shabbat (Fromm, 1938).

This is an example of two social practices in *essential conflict*. That is, they do not conflict merely because of their peripheral elements, which is obviously a common and unproblematic feature of our lives. Indeed, such peripheral conflict may even give our shared traditions a certain pleasant flavor or shape, for example, by providing us with distinctive choices that help to constitute our particular characters. The Catholic cardinals might change the color of their ceremonial robes, yet because this is only a peripheral change, a cardinal who goes on wearing the older robes remains a member of *the Catholic Church*. The peripheral conflict within the tradition has given him a space to express his particular character without abandoning his tradition.

But the shabbat-conflict is not like this. Rather, the tradition's *constitutive* rules are not jointly followable, rules derived rather directly from its foundational texts and values. There is no *belonging* to the tradition without making a choice here. So we should ask: what will a conservative recommend to such a community? Thus, Political Conservatism(1) recommends the impossible, since it recommends that the social group preserve two practices which cannot be jointly preserved.

Of course, any reasonable person is going to go beyond this response and try to choose between the two practices. But no matter which practice this conservative chooses to defend, she must do so on non-conservative grounds. Therefore, she is not a political conservative, since a political conservative only recommends public policy on conservative grounds. Or, put another way, if there are non-conservative political reasons, then political conservatism, conceived as a comprehensive doctrine, is false.

It might be thought that I am making too much of this, and that the obvious response is to simply follow whatever norms are most obviously central to the tradition. But this, I fear, is to miss the depth of the problem. In a system with two jointly non-followable rules, there is *no fact of the matter* about what the system asks you to do in the case of conflict. Suppose the rules of chess told us that we *must* move our king out of danger when in check, but *also* that we cannot move any piece after our queen is captured (because the opponent is rewarded with some kind of "free move"). When we are put into check *by* our queen being captured, what does the game tell us to do? The point is that there is no fact of the matter about what the rules tell us to do in that

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[12] Thanks to Stephen Grimm for suggesting this example.

situation, because they are not jointly followable. Similarly, in the case of the Shabbat decision, there was no fact of the matter about what "the tradition" told Jewish communities to do.

Thus, if the conflict of rules in chess were resolved by amending: "Your opponent does not get a free move if you are in check", then this decision has not been made by *appealing* to any fact about the traditional rules, it has been made by *changing* one of the basic rules of the game. Similarly, when the Jewish leaders wisely decided to prioritize mutual aid over the Shabbat, they did not appeal to any pre-existing fact about the tradition, rather, they created a new tradition on the basis of some distinct normative consideration. That consideration cannot be a conservative one, not on this side of the dilemma.

And yes, this choice must be made. Famously, practical reason regularly fails to supply us with the 'choose nothing' option in cases like this (Sartre, 1960). For Jewish leaders to recommend *inaction* in the face of such a dilemma is just to side with one institution, that is, the institution of the entirely work-free Sabbath. There is no *staying out* of practical conflict of this sort. A decision, for those who wish to remain within the tradition, is inescapable.

Might the conservative simply bite the bullet here, and admit that there may be some rare cases where their theory cannot deliver an answer? I think not. This is because the case described above is arguably extremely common. Complex societies *characteristically* embrace mutually antagonistic institutions, and sometimes those institutions are very well-established indeed. Any example here is bound to be controversial, and can only be settled empirically. But, for example, it is entirely possible that that modern globalist capitalism is both extremely well-established within many societies *and* that its essential elements are eroding families and various other well-established social institutions. Alternatively, suppose it is true that recent conservative cultural critics are right and that the sexual revolution itself has wreaked havoc on the family (Trueman, 2020). Either way, what we have is an extremely well-established and widespread set of norms (those which constitute capitalism, or norms of sexual freedom) which are eroding some other well-established institution, such as the family. Which institution should we promote or preserve?

If the conservative is not convinced by these examples, there are surely others: as Burke himself knew, democratic norms tend to decisively weaken monarchies (Burke 1790), and historically, European monarchies themselves began their lives as decisive threats to the totalizing power of older church authorities. If any conservative wishes to escape this dilemma by denying that well-established institutions can regularly come into essential conflict, then I would like to know which defensible model of historical change could possibly support their confidence here.[13]

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[13] It can seem mysterious how two institutions can coexist if they are in *essential* conflict, but the biological case makes it clear that this is perfectly normal. In Darwinian evolution, populations can evolve traits which undermine the functions of other existing traits. As in the social world, there is no *a priori* guarantee of harmony. Yet, the selection-process carries on, and while one of the two traits is often eliminated from the lineage, this process is not *conservative*. It is fundamentally responsive only to

Thus, if we are living through a period of essential tension between two such institutions—i.e. probably any period at all within recorded history—which should we prioritize or protect? We must choose, but we can only decide using non-conservative reasons, the very reasons which, according to Political Conservatism (1), are not supposed to exist.

It is worth emphasizing that conservatives themselves have displayed this tendency to abandon conservative thinking at critical choice-points. It is common to hear that Burke opposed slavery, which is at least partly true.[14] But the question is: why did he oppose it? Basically, because it was cruel and economically inefficient (Burke, 1780/2020). Yet, again, given that slavery was an extremely well-established institution, these were not *conservative* reasons to oppose Slavery. Indeed, they were absolutely standard liberal-utilitarian reasons. They have little to do with tradition, community, or shared attachment, and to the fifty percent of white families in Mississippi who owned slaves in the late 1700s, this "conservative" simply says: tough beans, we don't care about your shared attachment, it's morally bankrupt, get rid of it. Which is precisely the *right* thing to say, but it is not the *conservative* thing to say, especially not on this horn of the dilemma.

Now, an impatient reader might think that all of this simply points the way to a different definition of conservatism, one which can incorporate full-throated normative evaluation of existing institutions. Perhaps, in other words, the conservative needs what I am calling a defeater clause, a criterion for sorting well-established institutions into the to-be-preserved and the to-be-scrapped.

7.   The Second Horn: Well-Established and Valuable Institutions

Let's remind ourselves of what this second version of the theory says:

> **Political Conservatism (2)**: political reasons just are reasons for a group of agents to preserve the essential elements of those well-established institutions *which meet some further criterion*, and to reform the peripheral elements when necessary.

In the conservative tradition, many proposals for such criteria exist, and the theory could potentially incorporate several. One which will not generate much controversy follows from Wollestonecraft's remarks earlier: it is unlikely that conservatives will want to defend an institution that is based on some kind of deep, systematic ignorance or false belief. For example, to reiterate her justly famous line of thought, under the assumption that traditional forms of patriarchy are fundamentally grounded in the conviction that women generally *cannot* perform various intellectual tasks as well as

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facts about reproductive fitness and *not* to facts about what is already there in the organism. So it is in the social world: for various complex reasons, competing institutions can quickly entrench themselves in our lives.

[14] For the positive case, see (Collins, 2019), and for a corrective, see (O'Neill, 2020).

men, then those traditional forms of patriarchy were never worth preserving, since they were systematically grounded in false belief (Wollstonecraft, 1792).

I will not discuss this criterion any further, though I have argued elsewhere that it is not as useful as many theorists think it is (Smyth, 2019). Rather, I want to focus on a distinct thought, one we have already encountered in Scruton and Kekes, which is that the relevant criterion is fully evaluative rather than epistemic. The idea here is that we ought to preserve well-established institutions which are also *good*. As Kekes says, "the decisive consideration in favor of the conditions that conservatives aim to protect is *not* that they have become traditional, but that they actually *are* conditions of good lives" (Kekes, 2018: 25). This view says that once institutions meet a certain threshold for goodness, they must be protected, even if better ones can be devised.

Here, an important meta-ethical question arises. This is the question of whether the conservative is a *realist* or an *anti-realist* about this value. In other words, is the relevant value mind-independent, or does its existence depend, in some essential way, on our judgments, commitments, and so forth? To illustrate, consider G.A. Cohen's defense of his own conservative temperament.

Cohen distinguishes between two recognizably conservative impulses, one which wants to conserve "personal value" and the other which wants to conserve "existing value". The former is grounded in what he calls "sociopsychological" facts about our valuing, whereas the latter is a response to "intrinsically valuable things, as such" (Cohen 2004: 152). These, I suggest, are just anti-realist and realist conceptions of conservative value, respectively.

Here is the example he uses to illustrate the idea of "personal" value:

> Consider the resistance to suburban supermarketization, on behalf of urban neighborhood shops. People who seek to protect neighborhood shops point to their many advantages, to the many purposes that they serve so well: local effects like providing access to provisions for old and infirm people, a meeting place that stimulates community, eccentric product lines, and also wider effects like reducing motor traffic…. But we deceive ourselves if we think that it is only because they deliver specifiable economic and social benefits that we cherish our local shops. It is not only the purposes that they serve that justify our resistance to their destruction. It is also because in all their vagariously caused uniqueness they are part of a social and cultural landscape to which we belong (Cohen, 2004: 150).

This value is recognizably anti-realist, because it depends on a fact about us and our minds. If we did not "belong" to a certain social and cultural landscape, then the local shops would not have this sort of value. This is a reason for *us* to cherish the shops, but may not necessarily stand as a reason for anyone *else* to cherish them. Moreover, this sort of 'belonging' cannot be cashed out in purely objective terms, since people only belong to a social group when they have certain attitudes towards it, attitudes of

attachment or unreflective participation. These are Cohen's sociopsychological facts, and so this is anti-realist value *par excellence*.

However, Cohen also suggests that the conservative can follow a different path and simply seek to preserve *existing value*. This is a more basic thought, since it simply seeks to preserve things that *have* intrinsic value and that are actual rather than possible. Conservation in this sense involves refusing to replace the existing thing with something new, even if that newer thing contains or produces more intrinsic value. This fundamentally involves rejecting the notion that things are merely vessels for intrinsic value, since the very fact that they exist is *also* a reason to conserve them. In Cohen's apt terminology, this is "conservation of *what has* value" and not the mere "conservation of value", and it rules out familiar forms of consequentialism, according to which we ought only to increase the amount of value in the world. His example here is helpful:

> My thesis is that it is rational and right to have such a bias in favor of existing value, that, for example, if you happily replace a fine statue by a merely somewhat better one, the production of which requires destruction of the original statue, then you mistreat the now destroyed work as (so to speak) having had the merely instrumental value of being a vessel of aesthetic value (Cohen 2004, 153).

I am making this distinction, between realist and anti-realist conceptions of value, because it seems to me that there is significant pressure upon the conservative who takes this horn of the dilemma to confine themselves to realism about value and to reject anti-realism. Remember that the simpler, first-horn conservatism from the previous section says this:

> **Political Conservatism (1)**: political reasons just are reasons for a group of agents to preserve the essential elements of their **well-established** institutions, and to reform the peripheral elements when necessary.

The second-horn conservative adds a value clause, but anti-realism about this value causes the view to collapse back into this first, simpler form of conservatism. This is because Cohen's sociopsychological facts about enduring, widespread attachment are *the same facts* that constitute an institution's being "well-established". Anti-realist Conservatism(2) just seeks to preserve institutions to which we belong and to which we are attached. But that is exactly what Conservatism(1) says, since "well-established" just *means* "an institution that enjoys wide and mainly unreflective adherence to its basic constitutive norms and structures."

This means that in order to legitimately take the second horn of my dilemma, and provide a defeater clause that can portray well-established institutions as being bad or disvaluable, the conservative should embrace a more realist, objective conception of value, one that distinguishes between good and bad well-established institutions. Unsurprisingly, many conservatives take this path. McPherson's recent defense of various forms of conservative virtue explicitly cites objective *values* which to which virtuous persons are meant to respond (McPherson 2022). And Kekes, recall, only

wishes to conserve institutions which produce good lives, but he is clear that only lives which actually meet a certain objective standard are *actually* good (Kekes, 2018: 35).

In any case, now, at long last, I can state the problem for this horn of the dilemma. Recall that the problem for the first horn was that in certain scenarios the theory recommends nothing, when quite obviously a certain choice must be made. The problem for this horn is very similar, and it begins with the observation that our social world can come to seriously *lack* the value or values cherished by the conservative.

Suppose we inhabit a social world where most or all institutions do *not* meet whatever threshold for 'valuable' the conservative wishes to impose. The basic problem here is that whatever else we ought to do in such a scenario, we very clearly have powerful reasons to construct new institutions, ones which are valuable in the sense given to us by this conservative. But, again, these will be *non-conservative* political reasons, reasons grounded in creation or germination, rather than in preservation. This entails that there are non-conservative political reasons, and if there are non-conservative political reasons, then political conservatism is false.

This point can be illustrated in several ways, using any number of values the conservative may wish to deploy here. Suppose the conservative insists that human lives themselves are intrinsically valuable, such that even in dire, post-apocalyptic scenarios there will be reasons for (say) the two dozen survivors to stay alive. We can easily agree, but we must also ask: if human life has intrinsic value, aren't there also some reasons for the survivors to go forth and multiply, that is, to have children in order to create a future for themselves? As stated, Conservatism(2) has no place for any such reasons, since the children themselves, by hypothesis, do not exist. The paradox here, while not quite a logical one, is nonetheless very powerful: how can we place a positive intrinsic value on human lives, one which directly grounds reasons to *preserve* them, but deny that there are any political reasons to make *more* of them, even in cases when they are in extremely short supply?

The temptation will be to re-describe new children as bearers of some pre-existing value, such as "human life in the abstract" or "the species". However, not only does this thought do violence to the lived phenomenology of childbearing, it manifestly violates Cohen's crucial prohibition. This conservative is *not* supposed to see people and objects as mere vessels for types of value, rather, their concrete existence itself is part of what gives them value. This is what blocks maximizing consequentialism, since if we were permitted to see possible things as vessels for more general types of pre-existing value, then there would be nothing about anything's actually existing which would give it any intrinsic significance. We would be permitted to tear down all existing institutions and to build new ones in the name of "preserving" whatever pre-existing value we thought the new institutions would serve. This is why Cohen says that a token object's *actual existence* gives it its conservative value, because if it were merely its possible existence as a bearer of some general type of value, full-blown consequentialism would no longer be excluded.

Notice too that this problem is not confined to distant, post-apocalyptic scenarios. Many groups of people throughout history have witnessed the near-total dissolution

of their central social institutions, and have acted on their obvious political reasons to rebuild. Those who rebuilt structures and wrote new constitutions for the shattered nations of Western Europe in 1945 weren't primarily preserving existing value, they were creating new value. It may be, as conservatives remind us, that the construction of new living traditions is extremely difficult, and that our reasons to cherish existing ones can be buttressed by this thought. But it is not *impossible* to build new institutions, and we surely have political reasons to do so, and even if this is done with an eye to preserving some traditions, it must by necessity create and encourage new ones.

Or, consider McPherson's *sufficientarian* political conservatism, which says that instead of endlessly aiming to improve human lives, we should just preserve those institutions which are producing lives that are good enough (McPherson, 2022; Shields, 2012). This attractive version of Conservatism(2) does indeed rule out utopian social planning, and it does seek to preserve *existing value* in exactly Cohen's sense. But there have clearly been societies which had virtually no institutions that met the sufficientarian standard; many probably exist today. What would McPherson have agents in such societies do? If the imperative is *just* to preserve existing value, and not to make any more of it, then this view cannot recommend that such societies build better institutions, even though they are failing desperately by these sufficientarian lights.

Or, consider the case of *communitarian* conservative thought. Many in this tradition have argued that modern Western society itself is seriously deficient in a central way: its social institutions are managed by faceless bureaucracies rather than formed and maintained by communities. One very strong voice here is Robert Nisbet, who claimed that the modern state has nearly destroyed social organicity, the property a community has when it solves its own problems and maintains its own institutions for its own particular reasons. Modernity, for Nisbet, and indeed for the followers of Foucault (Barry et al., 1996), has brought a certain profound and totalizing form of top-down power, one that often takes governmental or corporate guises, and which usually germinates and flourishes in conditions of total war and economic upheaval (Porter, 2002). Here is Nisbet:

> The greatest single influence upon social organization in the modern West has been the developing concentration of function and power of the sovereign political State. To regard the State as simply a legal relationship, as a mere superstructure of power, is profoundly delusive. The real significance of the modern State is inseparable from its successive penetrations of man's economic, religious, kinship, and local allegiances, and its revolutionary dislocations of established centers of function and authority (Nisbet 1960, vi).

Similar sentiments animate the work of Alasdair MacIntyre, Daniel Bell and Oakeshott himself.[15] For my part, I find myself in sympathy with this conservative's valuation of

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[15] See (MacIntyre, 1981/2013; Bell, 1993) See Oakeshott's distinction between *civic* and *enterprise* associations, where only the latter involves the imposition of final ends on a group by a relatively

organic community; a life without any such institution does seem empty and dangerously inhuman. But Nisbet's point is that history may have taken us to a place where comparatively few such institutions exist, at least in certain highly industrialized societies. Organic association has waned, the state and various corporations have rushed in to fill that void, and now people instinctively look to such entities to solve their problems (Gray, 2007: 131; Putnam, 2000). We might add that the arrival of the internet has further decimated organicity, undermining the construction of strong local ties and community activities (Zuboff, 2019). Here, what I said earlier about most social institutions making essential reference to material space matters. We all understand that the phrase "let's move this shared activity online" embeds a deeply false presupposition. Most readers of this paper will understand, for example, that an online classroom is not actually a classroom.

So imagine this process continuing indefinitely, with the modern state and capitalist Big Tech combining to entirely swallow our lives and turning nearly all of us into the inhabitants of a kind of disconnected dystopia. Imagine that we are all perpetually online, all of our material necessities are delivered to us by strangers, most fulfilling labor has been replaced by artificial intelligence and we almost never organically associate for the purposes of shared problem-solving (readers who are also members of the "laptop class" will probably not have such a difficult time imagining this). What does this communitarian conservative recommend in this scenario, which is totally dire by their own evaluative lights?

The answer is stark: absolutely nothing. In such a world, communitarian conservatism simply ceases to supply any reasons at all, because there are, by hypothesis, no valuable institutions left to conserve. Hamilton writes that under this form of conservatism

> societies that do not exhibit living traditions are not amenable to a conservative outlook. On this view, conservatism is situational, but *some situations do not permit conservative responses*. (Hamilton 2019, emphasis added)

Yet, he does not see that this is a devastating problem, because those very situations *demand* a political response, if any situations do. It simply strains credulity to suppose that we might inhabit a scenario where life is solitary, poor, nasty, brutish and short, but that we have *no* political reasons to construct institutions which improve our situation. Where, exactly, does such a theorist think a 'living tradition' comes from? Of course, conservatives are often right to point to the difficulty of this reconstructive project, and Oakeshott in particular was right to say that new institutions cannot just be consciously planned in some top-down fashion, since they rely essentially on modes of human feeling and practical knowledge which emerge spontaneously among people under the right conditions (Oakeshott, 1962). But surely, at least, states or decision-making bodies can have reasons to promote and maintain those background conditions, as the German government did when it constructed the *Grundgesetz für die Bundesrepublik Deutschland* in 1949.

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powerful elite (Oakeshott, 1991) For a concrete proposal for urban planning which incorporates organicity, see (Jones and Dobereiner, 2017).

Thus, when a society's institutions fail to meet whatever criteria the conservative proposes, their view falls silent, precisely when it should not. The problem recurs for any defeater clause this conservative wishes to incorporate into their theory: we may simply imagine a world where very few institutions meet the relevant description, and note how obvious it is that there are fundamentally *creative* political reasons in that world.

Finally, it might be thought that the conservative can simply incorporate this creative imperative into their theory in order to deal with this problem. Cohen himself suggests that the conservative should have no objection to creating new good things, so long as doing so does not destroy older things of value (Cohen 2004, 156). So, this final version of the theory might say:

> **Political Conservatism (3)**: political reasons are of two kinds: (1) reasons for a group of agents to preserve the essential elements of those well-established institutions *which meet some further criterion*, and to reform the peripheral elements when necessary, and (2) in scenarios where comparatively few institutions meet the criterion, reasons to construct new institutions which do meet it.

But I ask: how could the view possibly count as a distinctive and interesting one, worthy of study and passionate adherence? Put another way, who in the contemporary political scene is going to *disagree* with such a view? To illustrate the point, note that this amendment brings the conservative to a place where they cannot distinguish their theory from its most obvious rival, revolutionary socialism. Both the socialist and the conservative tell us to preserve good institutions and to create new ones if there aren't any around, and the revolutionary socialist is just someone who thinks that there currently aren't any around. This, for the socialist, is because capitalism is incompatible with good lives and valuable institutions. So, the socialist says, we must eliminate class distinctions and establish a world where non-alienated labor can flourish. And once the new socialist institutions are up and running, we should definitely preserve them, since they will enable good lives. And according to our revised version of the theory, they will be saying all of this under the flag of *political conservatism*.

8. Conclusion

There are alternatives here. We can retain the idea that conservatism is a kind of subjective practical orientation, but we should not continue to think that this orientation constitutes, entails, or even strongly encourages any particular political *theory* or any set of political *values*. We might be able to say that someone with the conservative orientation is just temperamentally disposed to perceive certain types of political reasons more clearly and to stress their importance in public debate. This makes them a perennially valuable participant in civic life, and not someone to lazily debunk or dismiss. After all, such a person is just as likely to be attending an anti-

gentrification protest as a gun-rights rally, and there are more of these 'conservatives' around than you might think. However, such a person should never be conceived as having a distinctive view of what political reasons and values are. The actual contours of their view will depend on which creative, forward-looking progressive political reasons they are inclined to affirm when the time comes. For as I have argued here, that time *will* come, and this is why the idea of politics as conservation makes no sense.

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