

# THE CONSERVATIVE CHALLENGE TO LIBERALISM

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Abstract: This paper reconstructs the political-theoretical triangle between liberalism, communitarianism and conservatism. It shows how these three positions are related to each other and to what extent they are actually incompatible. The substantive outcome is the following thesis: the conservative position poses a challenge to liberalism that communitarianism is unable to offer and that liberalism cannot incorporate as it could with communitarianism. This challenge lies in the conservative's ideal of a traditionally evolved, purposeless form of civil association, and its associated view on the justification of authority within such forms of association. This ideal cannot be incorporated into liberalism's overall concern with individual autonomy, in contrast to the communitarian's ideal of community. This will be shown through an investigation of two key elements of the conservative ideal of civil association: its 'purposelessness' and its justification of authority.

Keywords: liberalism, communitarianism, conservatism, civil association, Oakeshott.

## Introduction

A recurring theme in political theory and political practice is the relation between the individual and the community. Difficult conceptual questions surround such debates. What does it mean to defend 'individual values' or 'community values'? Should one have priority over the other, can they be reconciled or should they be balanced? While the homestead of 'individual values' has for long been in liberal thought, in recent times there have been at least two currents defending 'community values' (however conceived):

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conservatism and communitarianism. Conservatives and communitarians have independently argued against liberalism on many occasions. However, their mutual relation and its connection to liberalism are hardly studied. This is the aim of this paper. It reconstructs the political-theoretical triangle between liberalism, communitarianism and conservatism, shows how these three positions are related to each other and to what extent they are actually incompatible. The substantive outcome is the following thesis: the conservative position poses a challenge to liberalism that communitarianism is unable to offer and that liberalism cannot incorporate as it could with communitarianism. This challenge lies in the conservative's ideal of a traditionally evolved, purposeless form of civil association, and its associated view on the justification of authority within such forms of association. This ideal cannot be incorporated into liberalism's overall concern with individual autonomy, in contrast to the communitarian's ideal of community.

This thesis will be developed in three parts. First, I explore the clash between liberalism and communitarianism. Liberals have often argued that the community-centered concerns of communitarians, to the extent that they are valid, can be taken into account without violating the basic liberal ideal of personal autonomy. All normative prescriptions still emanate from this source of normativity. I will call this liberalism's 'strategy of incorporation'. There simply is only one source of political normativity: personal autonomy. Debate amongst reasonable people defines what this central ideal or value entails in political terms. More specifically, on the basis of the liberal 'politics of rights' communities can actually flourish (Section 1).

This leaves the communitarian the choice, either to accept the liberal source of normativity and understand his own endorsement of community within that framework, or to search for a more fundamental opposition to liberalism. In the latter case, however, a more specific view of community is required, which pushes the communitarian towards conservatism. To substantiate this claim I present a reconstruction of the conservative position, that consists of two main ingredients: a traditionalist attitude towards society and a specific view of the relation between individual and society that I will call 'civil association'. The combination of these ingredients gives us the conservative source of normativity: a defense of traditionally evolved forms of civil association. While this ideal

overlaps to some extent with communitarianism, it also contains distinctive elements (Section 2).

Finally, I will suggest that the liberal strategy of incorporation cannot work against conservatism. The conservative source of normativity is separate and incompatible with liberalism. This will be shown through an investigation of two key elements of the conservative ideal of civil association: first, the aspect of ‘purposelessness’ (Section 3), and second, its justification of authority in civil association (Section 4). The deep incompatibility between liberalism and conservatism that emerges through these discussions indicates that there is an important conservative challenge to liberalism. This does not mean that the conservative source of normativity is superior to the liberal one, nor that it can’t be combined with it. These are issues worthy of further research.

Some preliminary remarks are in order. I will use the terms ‘conservatism’, ‘communitarianism’, and ‘liberalism’ as stand-ins for (or abbreviations) of three substantive positions in normative political theory. The interpretation of such vast traditions of thought is bound to be a demanding one, fraught with difficulties. I am not interested in interpretation *per se*, but in the systematic task of seeing whether there is a coherent and credible second source of politics, over and above realizing personal autonomy. Therefore I will present my own reconstruction of these positions, but I will not attempt to show that a sufficient number of liberal, communitarian and conservative authors can be more or less identified as holding these positions. The only solution to a debate at this level of abstraction, as far as I can see, is to refer to authors who have identified themselves or are widely recognized as liberals, communitarians or conservatives. This will be my strategy as I characterize these positions. It is up to the reader to decide whether this sufficiently overlaps with what she thinks of as ‘the’ liberal and ‘the’ conservative position. My hope is that this paper will offer an illuminating reconstruction of the relations between these positions; not that this will be the only possible reconstruction.

Moreover, this reconstruction will be idiosyncratic in that it will force these three political theories into the model of offering distinct ‘sources of normativity.’ With this expression I refer to the final ideal or principle within a political theory that is meant to

justify all the propositions on the more specific level of the theory's political program. I do not require that all these more specific propositions are linearly deducible from this source of normativity. If that would be the case, there would only be one liberalism, or feminism, or socialism, etc., instead of a variety of such theories. Sources of normativity usually are sufficiently general to allow for a variety of reasonable interpretations. Nonetheless, they do have some specificity, which guides and constrains those who want to identify themselves as the adherents of the political theory at hand. It should be possible for others within the same current to object to their views by saying: 'what you propose is not in line with our fundamental principle(s) of  $x$ ,  $y$ ,  $z$ '. Any political theory may have one or several of these sources of normativity; political theories aren't necessarily monistic (although I will characterize the theories here, partly for the sake of clarity in exposition, in a monistic fashion).[1]

## **1. The Incorporation of Community by Liberalism**

Let me start by explaining what I mean by 'liberalism'. Obviously there are many types of liberalism, but I believe that we can identify the common denominator of liberalism by its distinctive stance at two levels: its source of normativity and its political program.

The liberal source of normativity is personal autonomy. Liberals are convinced that individuals should be able to choose for themselves how to live their lives. Probably the most influential contemporary example of this idea is John Rawls' thin theory of the good, according to which individuals should be able to choose a rational plan of life (Rawls, 1999 [1971], p.). Liberal theories differ, of course, in the subtle details of their accounts of personal autonomy. These need not concern us here, except for one: personal autonomy can be interpreted either in a negative or in a positive sense (Berlin, 2002 [1969], p.). If personal autonomy is defined negatively, the main threat to autonomy is that of external restrictions (barriers) to one's choices. If, by contrast, autonomy is interpreted positively, it is a capacity that will not be present automatically if external barriers to action are absent. It also requires the ability to direct oneself, formulate ends of one's own and have opportunities to carry these out – and politically this will often lead

the liberal to require state action to make sure these conditions are met (see section 3 for the implications of this distinction within liberalism).

At the level of political program, liberalism holds that state action is only legitimate when it restricts itself to the enablement of each citizen's personal autonomy. The liberal state does not formulate a common good, but tolerates each individual's own definition of the good life for him- or herself. Moreover, in order to achieve this goal the liberal state puts a strong focus on the protection of individual rights. These rights describe the sphere of liberty that individuals enjoy, which makes possible a life of their own choosing. Following the distinction between negative and positive interpretations of autonomy, some liberal theories only recognize negative rights while others also recognize positive rights. In both cases liberalism gives us what we may call a 'politics of rights'. Rights are the central, indeed only item on the menu of the liberal political program. The connections between the liberal source of autonomy and the politics of rights are nicely conveyed by Will Kymlicka's definition of liberalism:

So we have two preconditions for the fulfillment of our essential interest in leading a life that is good. One is that we lead our life from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in the light of whatever information and examples and arguments our culture can provide. Individuals must therefore have the resources and liberties needed to live their lives in accordance with their beliefs about value, without being imprisoned or penalized for unorthodox religious or sexual practices etc. Hence the traditional liberal concern for civil and personal liberties. And individuals must have the cultural conditions conducive to acquiring an awareness of different views about the good life, and to acquiring an ability to intelligently examine and re-examine these views. Hence the equally traditional liberal concern for education, freedom of expression, freedom of the press, artistic freedom, etc. These liberties enable us to judge what is valuable in life in the only way we can judge such things – i.e. by exploring different aspects of our collective cultural heritage. (Kymlicka, 1989, p. 12-13)

It should be noted that the view of liberalism that I present here is only characteristic of what is nowadays often called ‘comprehensive liberalism’. Some hold a view called ‘political liberalism’ that refuses to defend a substantive ideal of autonomy (deemed to be objectionably ‘metaphysical’). This type of liberalism I leave out of consideration here.[2]

Now let’s turn to communitarianism. Its objection is that liberalism fails to take into account the communal attachments that individuals often cannot detach themselves from. This is the communitarian’s critique of the alleged ‘atomist’ or ‘unencumbered self’ of liberalism.[3] As Michael Sandel put it: ‘Now the unencumbered self (...) means there is always a distinction between the values I *have* and the person I *am*. (...). No role or commitment could define me so completely that I could not understand myself without it. (...) For the unencumbered self, what matters above all, what is most essential to our personhood, are not the ends we choose but our capacity to choose them.’ (Sandel, 1984, p. 86). [4] Against this communitarians have emphasized that some roles and commitments are constitutive of our self. They are given in advance of personal choices and cannot – nor should they – be easily revocable through choice. Individuals are what they are due to their socialization in social practices, their relations to social institutions and their roles in social organizations. The self embedded in communities, we might say, is the communitarian ‘source of normativity’. It serves to justify the communitarian position on the second level, that of political program.

The communitarian political program is not easily identified. A convergence on one item like the one we find for liberalism (individual rights) is absent. For brevity’s sake, I will refer to the communitarian program as one of ‘community support’. The communitarian requires as a matter of state policy that communities be supported. Some communitarians favour direct support, e.g. through subsidies. Others oppose this, fearing that communities which depend on the state become a (quasi-) executive agency of the state. They will emphasize the state’s more indirect role in creating general conditions for flourishing communities (for example by not doing certain things, such as distributing welfare benefits), so that communities may do them (charity). Both direct and general forms of support are included in the broader concept of ‘community support’, held

together by a recognition on the part of the state that communities are important and should flourish.

Although this is not an item on the communitarian political program itself, communitarians also have to decide whether or not to accept the politics of rights as part of their program. A radical communitarian will reject this, while a moderate (liberal!) communitarian might see his own program as supplementary to the liberal program (see next section).

Liberals have addressed the communitarian concern for community and when they have done so, they have most often tried to incorporate this concern into their theories. Their strategy has been to recognize the importance of social ties and communities to the development of autonomy. They have granted the communitarian ontology, we might say, but they have maintained that this has no political consequences. The state should still restrict itself to the protection and development of the capacity for making autonomous life choices. By doing so, liberalism actually allows individuals to construct and maintain communities. In liberal societies, many communities may actually thrive – even more so, the liberal is fond of pointing out, than in many illiberal societies. This, however, is a matter of individuals' choices, not of state action.

If communitarians demand more than the opportunities for community-building a liberal society offers, liberalism will reject that call. For example, if communitarians complain that liberalism does not allow illiberal communities (i.e. communities violating individual rights), then liberalism asserts that this is the way it should be. Similarly, if communitarians complain that a liberal state guarantees individuals too easy an exit from communal ties (their marriage, their church) then this is just as it should be. Community formation and membership in a liberal society is a matter of individual choice. Liberalism's willingness to incorporate a concern for community is not endless. In the explication of its limits the liberal believes that his theory shows its superiority. It will not tolerate community support when this is to the detriment of individual autonomy. Overall, however, the opposition is not between two bodies of political thought, one of which is individualistic and the other community friendly. Rather, it is between two different ways of taking account of the value of community (Buchanan, 1989, p. 860).

To this strategy of incorporation the communitarian might object that the liberal, having agreed that communities are necessary for the development of personal autonomy (the communitarian ontology), cannot *guarantee* that individuals will form communities on the basis of their right to do so. In reply a strict liberal will state that if this is what individuals choose to do with their individual freedom, then so be it. Most liberals, nonetheless, will feel compelled to explain why it is *likely* that individuals will form sufficiently robust communities out of their own free will. Authors like Alan Buchanan argue that communities can develop from voluntary actions through mechanisms of self-binding. Relationships between individuals start out on a voluntary basis to provide those involved with external goods. As these relationships develop, Buchanan maintains, internal goods to the relation also come into being. In the case of marriage, for example, these include ‘developed mutual trust, openness, a stable sense of accomplishment in building together a relationship of deep mutual affection, and the recognition that you are profoundly understood by a person who you profoundly understand’ (Buchanan, 1989, p. 869). Since these internal goods can only be kept by staying in the relationship, a commitment to the relationship is developed. In the end, Buchanan claims, the relationship will no longer be regarded as a mere object of choice: it has become a community membership that cannot be given up at will (Buchanan, 1989, p. 870).

To sum up, liberalism tries to answer communitarianism by incorporating the communitarian critique of the self, while stressing the community-friendliness of liberal society and emphasizing that liberal societies represent at least some sort of overarching community themselves. What does the communitarian have to say in response to this?

## **2. From Communitarianism to Conservatism**

Suppose the communitarian wants to resist the liberal strategy of incorporation at the level of political program. Suppose he still wants to argue that a program of community support is necessary, because the community-friendliness of individual rights is insufficient.

One part of the communitarian’s argumentative strategy will have to be to object to liberals’ optimism about spontaneous community formation. He will have to insist that

as a matter of fact a political program of community support is necessary if stable communities are to flourish. One can imagine the arguments to support this pessimistic stance.[5] But as a corollary to this argument the communitarian faces a more principled choice: whether or not to accept the liberal's criticism of illiberal communities in the name of autonomy. The communitarian has to determine on what normative basis he will argue in favour of community support. If it is true that the embedded self is too underdetermined as a source of normativity (i.e. it can both support a liberal and a communitarian political program), then the communitarian has two options left: to accommodate his community concerns to personal autonomy or to search for an alternative. Option two is where conservatism comes in.

If he accepts the liberal criticism, he effectively becomes a 'communitarian liberal'. He will then advocate a program of community support as an adjunct to the liberal program of rights and understand community formation as a concern flowing from the liberal source of normativity. Both rights and community support contribute to the development of autonomous individuals. However, in cases of conflict with the program of rights, the latter will have precedence over the program of community support. Support for communities is a legitimate government activity, but only as long as it doesn't clash with the protection of individual rights. These rights, one might say, are enshrined at the constitutional level of a liberal society, while all kinds of other concerns figure in post-constitutional, day-to-day politics. Community support becomes conditional upon its conformity with liberal rights. The non-communitarian (hardcore) liberal may or may not accept these community programs at the lower level of politics. Either way, his debate with the communitarian liberal centers around the correct interpretation of the liberal source of normativity.

Alternatively, the communitarian may want to argue that community support should not be conditional upon conformity with individual rights. This requires that his politics of community support be based on a separate source of normativity, standing over and against autonomy. The recognition of this source would lead to a scheme in which the communitarian either rejects autonomy altogether or accepts it but maintains that in specific cases a trade-off between autonomy and this alternative source is called for. As we have seen, the recognition of individuals' embeddedness in social relations is

insufficient for this purpose. It gives the liberal the opportunity to incorporate this concern in his theory. But what can the justification of community as a separate source of political normativity – i.e. not based on individuals' capacity for autonomous choices – be? At this point, the communitarian has to turn elsewhere and the conservative direction might be the best way to go.

In contrast to the communitarian, the conservative endorses a more specific ideal of community. To explore this, let's take a step back and reconstruct the conservative source of normativity; only then can we see how it offers a unique challenge to liberalism, different from what communitarianism has to offer. A major problem that we immediately encounter when describing conservatism is that two contradictory characterizations seem to go around. I will refer to these as 'traditionalism' and 'civil association', respectively.

According to the first view conservatism is not a political theory (or ideology) but rather a disposition, or attitude. Conservatives want to conserve the status quo, the tradition, the prevailing customs and arrangements. Of course such a conservationist attitude is rarely absolute; rather the conservative prefers incremental change, rejects radical change and abhors revolution. This attitude is often called 'traditionalism' (Quinton, 1996, p. 286) (Kirk, 2008 [1953], p. 7). As John Kekes puts it: 'The source of conservatism is a natural attitude that combines the enjoyment of something valued with the fear of losing it.' (Kekes, 1998, p. 5). It stands in opposition to a view – rightly or not attributed to liberalism – which believes in changing society so as to improve it; a belief in progress. Since the nature of available institutions and practices will vary, pure traditionalism does not point to a specific political program: what should be conserved depends on what already exists. This traditionalist's refusal to state a specific program is the source of the often-heard reproach that conservatism is an empty theory. Conservatives, however, prefer to make a virtue out of this. They see the conservative attitude as a welcome attack on the overambitious political blueprints of society that other political theories offer. Conservatism is hostile to abstract theorizing, as is found, for instance, in egalitarian liberal designs of a just society.

Traditionalism has two distinct elements. On the one hand there is what we can call the conservative 'program': preserving the existing traditions of a society. Think, in

this context, of Burke's famous words that society is a partnership 'between those who are living, those who are dead, and those who are to be born.' (Burke, 2001 [1790], p. 261). This conservative program implies a specific view of what is of value: the existing traditions of a given society are valuable, they are worthy of preservation and protection. As a program it is indeterminate (it cannot be formulated as a set of policies in a book), because what this implies depends on the society the conservative is talking about. A British conservative will have a different program than the French conservative (for the importance of this variability in conservative theories for the argument developed here, see section 4). Therefore, I choose not to call this a program, but keep on talking about traditionalism as an attitude. Roger Scruton put it this way:

Conservatism arises directly from the sense that one belongs to some continuing, and pre-existing social order, and that this fact is all-important in determining what to do (...). The important thing is that the life of a social arrangement may become intermingled with the lives of its members. [Conservatives] may feel in themselves the persistence of the will that surrounds them. The conservative instinct is founded in that feeling: it is the enactment of historical vitality, the individual sense of his society's will to live. (Scruton, 2002, p. 10).

On the other hand, there is the rejection of abstract theorizing. This is not a view of what is valuable in society, but a view about how the activity of politics should proceed. The critique of abstract design is a critique of rationalism in politics (Oakeshott, 1991 [1962], p.), a skepticism about the ability to generate knowledge about politics in the abstract, without relating one's position to contingent, historical and local circumstances. This makes conservatism a 'philosophy of imperfection', aimed at the defense of a 'limited style of politics' (O'Sullivan, 1976, p. 12).

Let's now turn to the second way of characterizing conservatism. In contrast to traditionalism, this second characterization does attribute a specific substantive ideal to conservatism. I will call it, following Michael Oakeshott, 'civil association'. Now, civil association is a complex doctrine. I propose to analyze it as a composite of three different layers: the embeddedness of the individual in society, the holistic view of social relations

and the purposelessness of association. Each consecutive layer builds upon the previous one(s), so that it implies the previous one(s) but isn't implied by them.

The first and most basic layer is the 'embeddedness' of the individual in society. This is completely identical to the ideal of the embedded self that was characteristic of communitarianism (see section 1). At the second layer we find the conservative view of social relations that I will call 'holism'. Even if individuals necessarily define their identities through social interaction, one might still think that the social forms these interactions give rise to (e.g. communities, networks, associations, corporations) can be understood in terms of the individual actions that they are made up of. This reducibility to individual actions and beliefs is what the conservative denies. Or, at least he denies that this is true of all social forms. As MacIntyre says, there are practices – and communities that are built up through them – that cannot be understood if one merely takes into account the individual preferences of the participants. They can only be understood in terms of the internal goods and the excellences cultivated within them (MacIntyre, 1985, p.). Or, as Taylor says, a good can be 'irreducibly social', in the sense that it 'exists not just for me and for you, but for *us*, acknowledged as such.' (Taylor, 1995, p. 139).[6] As maybe clear from these references, this second layer, like the previous one, is also often found in communitarian writings. This is different, I think, for the third and last layer of civil association.

Civil association isn't just an irreducibly social good constituted by the actions of embedded selves. Civil association is also 'purposeless'. Even if one agrees that some forms of association have an irreducibly social structure, one could still believe that the individual's motivation to participate in them is instrumental. The practices exist for the benefit of their members, even if these individual benefits only arise and exist as long as there is a practice and even if they can only be described and understood in terms of a common good. This kind of instrumentalism the conservative opposes. The clearest example of that is the conservative's opposition to the theoretical construction of the social contract. Society does not exist as a mechanism of individuals who have – even hypothetically – decided that cooperation would be to the benefit of all of them. Rather, society, interpreted as a form of civil association, exists as a historically grown entity that has a purpose of its own: to have no purpose at all. The same is true at the micro-level for

specific practices in which humans participate. This historical character of association is often expressed in the image of society as an organically grown entity.

So conservatism has two main characteristics: the traditionalist attitude and the ideal of civil association. Their acceptance may not be evident in every single conservative author, but I think there is enough evidence that they are the common points of convergence of most (philosophical) conservative authors.[7] This picture of *two* characteristics inevitably raises the question whether we can construct a *single*, unified source of normativity for conservatism (in the same way that we did for liberalism and communitarianism), showing how the two main elements are ingredients of one coherent dish. Answering this question requires us to have a more elaborate account of the conservative's idea of the purposeless association and its connection to traditionalism.

### **3. The Purposelessness of Civil Association**

Purposelessness may strike the reader as a strange attribute. If we had said that society is a living organism that has a purpose of its own, over and above the purpose of its individual members (A Hegelian Absolute Spirit?), that would have been easier to comprehend (although reprehensible in the eyes of most modern readers). But this is not what is meant here. In the words of Lawrence Cahoon: 'Conservatism thus has its own goal, which is to return society to its intrinsic "goal", *goal-less endurance*.' (Cahoon, 2002, p. 131). To understand this idea better, it is worth taking a look at the most elaborate account of 'purposelessness' in the conservative tradition, that of Michael Oakeshott. He made a distinction between two ideal type forms of association: 'enterprise association' and 'civil association'. The former is 'relationship in terms of the pursuit of some common purpose, some substantive condition of things to be jointly procured, or some interest to be jointly satisfied.' (Oakeshott, 1975, p. 114). The policies, performances, decisions and rules of such an enterprise are all chosen in light of this common purpose. If the purpose changes, these policies etc. change as well: they are contingent upon the purpose of the association. Civil association, by contrast, is 'relationship in terms of the conditions of a practice':

A practice is a set of conditions which qualify performances. These conditions maybe somewhat indefinite uses or customs, they may even be no more than general maxims of conduct, or they may have the marginally less indeterminate character of rules or regulations; but I have called them “considerations” because they qualify but do not determine performances. (...) Practices, or the considerations they are composed of, are never ‘applied’, they are used; and they can be used only in virtue of having been learned and understood (...) Hence I have spoken of practices as languages of self-disclosure and self-enactment: the language of diplomacy, of scientific or historical inquiry, the Latin language, or the language of moral utterance and intercourse. (Oakeshott, 1975, p. 120)

From this concept of a practice the concept of civil association is derived:

And to be related in terms of a practice is precisely not to be associated in the reciprocal satisfaction of wants or in making or acknowledging “managerial” decisions in the pursuit of common purposes; it is relationship in respect of a common recognition of considerations such as uses or rules intelligently subscribed to in self-chosen performances. It is formal, not substantial relationship; that is, association in respect of a common language and not in respect of having the same beliefs, purposes, interests, etc., or in making the same utterances. (Oakeshott, 1975, p. 120-121)

The civil association has no purpose. The association exists by virtue of the recognition of the conditions of the practice by its participants. It exists, one might say, merely to preserve and reproduce itself: ‘it has the formal purpose only of perpetuating recognition of itself as a legitimate system of authority.’ (Coats, 1985, p. 778). Self-preservation is its paradoxical, inner *telos*. Scruton compares this to friendship, which also subsists in the absence of pre-given ends. To state that my friendship with someone is based upon a certain purpose (watching football, talking about politics) is in a sense missing the point. Contingent purposes maybe attached to the friendship (friends do things together), but this is not what their relationship is for (Scruton, 2002, p. 12-13). Similar to friendship,

society at large and the state can be understood as forms of civil association. To avoid frustrating vagueness about this part of conservatism, I will in the remainder of this paper continue to rely upon Oakeshott's formulation (even though other conservative accounts, diverging from it in important respects, would also have been valuable).

Now we have to ask ourselves: how do these two characterizations of conservatism, traditionalism and civil association, relate to each other? Since we can find them conjoined in the work of many conservatives, one would suspect that they are parts of the same coherent political theory. On the other hand, a strong tension or even contradiction seems to exist between them.

The opposition between traditionalism and civil association can be constructed as follows. Since the traditionalist attitude defends the preservation of the existing traditions in a given time and place, it can promote any type of relationship between individual and society, depending on what exists then and there. Conservative thought was born in a time – the period of the French Revolution – when it was the allegedly organicist society of the *Ancien Regime* that had to be preserved against those who preferred a modern society based on equality and liberty. At that time, the precepts of traditionalism and civil association were identical. However, such an identity is coincidental. Now that a liberal conception of society is arguably predominant, conservatives who want to take up the traditionalist attitude will see themselves compelled to defend a liberal instrumentalist (i.e. anti-organicist) view of the relation between society and the individual. Hence the incompatibility of both characterizations of conservatism, at least under these new circumstances. But a political theory that for its coherence depends on the occurrence of contingent circumstances is fatally misguided. This is even more damaging to conservatism's relevance today since the world the conservative longs for has vanished to a large extent.[8]

Against this, the case for the mutual compatibility and even supportiveness of traditionalism and civil association can be stated as follows. The traditionalist attitude favours the prolongation of the life of the kind of (holist, purposeless) social practices that the doctrine of civil association promotes. Both concur, and necessarily so, for a tradition is by definition something that can only grow and develop organically. It can be destroyed and protected by political means but it cannot be established by political

means. This reconciliation requires that each characterization of conservatism is interpreted in light of the other. Traditionalism loses something of its empty character while it is directed towards the preservation of a specific type of association. The motivating force of traditionalism is the longing for continuity in social life. Such continuity can only come from the preservation of purposeless associations, since only these exist over time independent from instrumental purposes. Instrumental associations, by contrast, are dissolved as soon as their members feel they are useless to their interests. On the other hand, the ideal type of civil association is filled with the traditionalist concern for continuity. Purposeless associations cannot be designed on the political drawing table, nor can they even stem from a conscious decision of individuals to associate; they have to evolve spontaneously. Politics can only create the conditions for their flourishing.

This type of traditionally evolved, civil association I will take to be the conservative source of political normativity (for brevity's sake I will henceforth refer to it as 'civil association'). We have to keep in mind, of course, that this source of normativity is an ideal typical construction of conservatism and that some authors labeled 'conservative' will diverge from it. A body of thought that will most certainly diverge from it is 'neo-conservatism'. This current is sometimes characterized as conservatism without the traditional conservative reluctance to use the apparatus of the state to enforce the 'moral program' of conservatism (Gray, 2007, p.). In terms of my reconstruction, neoconservatives do not attempt to bridge the tensions between traditionalism and the substantive ideal of civil association, but militate in favor of (versions of) the latter while giving up on traditionalism and on the associated skepticism towards the constructive powers of political action.

Now that we have a reconstruction of the conservative source of normativity, we have to appreciate whether liberalism can incorporate it into its theoretical edifice (as it did with communitarianism). In the remainder of this section, I will argue that this attempt fails for the purposeless aspect of civil association I just presented. In the next section, I will continue the argument with respect to another key aspect of the doctrine of civil association; its view on the justification of authority.

Some may doubt whether liberalism is really antithetical to the idea of purposeless association. For the liberal's program (increasing personal autonomy through a politics of individual rights) merely serves to facilitate the free pursuit of individual ends; no further substantial social purpose is set by the state. To be sure, such a characterization is unlikely to come from left-wing or egalitarian forms of liberalism (often animated by a more substantive ideal of positive autonomy that requires extensive state action). Nonetheless, it may fit right-wing or libertarian forms of liberalism, animated by an ideal of negative liberty and non-interference. This is best exemplified in the work of Friedrich Hayek. He identified himself as a liberal and explicitly rejected the label conservative. Nonetheless, he came very close to Oakeshott's account of civil association. A core part of his political philosophy is his endorsement of the concept of a 'spontaneous order', in contrast to 'made order'. Spontaneous orders, for Hayek, are characterized by the absence of a defining purpose, while made orders are characterized by stated ends of those who make the order. Spontaneous orders are instead characterized by a set of procedural rules that all participants in the order have to obey. Within the limits of these rules, however, they can follow their own ends (Hayek, 1982b, p. 39, 43-46). This is indeed remarkably similar to Oakeshott, and Hayek himself explicitly recognizes this analogy in his work, mentioning that Oakeshott's distinction between two types of order is similar to his (Hayek, 1982a, p. 15).

What to make of this? One simple response would be to acknowledge that Hayek is (despite himself) a conservative in the sense reconstructed in this paper. And indeed, it is probably no coincidence that he is occasionally labeled as such (e.g. (Gray, 1993, p. 32). On the other hand, Oakeshott's later work (of which his account of civil association forms a part) has sometimes been labeled as 'liberal', in its emphasis on the formal, abstract characteristics of civil order, detached from any particular grown order (Franco, 1990, p.). However, being content with these concessions is too easy. I think that a closer inspection of Hayek's writings actually reveals why his version of the spontaneous order is distinctly liberal.

First, Hayek himself reveals an important divergence in his essay 'Why I am not a conservative'. Here he claims that many conservatives

[d]id show an understanding of the meaning of spontaneously grown institutions such as language, law, morals, and conventions (...). But the admiration of the conservatives for free growth generally only applies to the past. They typically lack the courage to welcome the same undesigned change from which new tools of human endeavors will emerge (...). [T]he conservative attitude is a fear of change, a timid distrust of the new as such, while the liberal position is based on courage and confidence, on a preparedness to let change run its course even if we cannot predict where it will lead. (Hayek, 1960, p. 400).

In other words, according to Hayek the conservative's endorsement of the ideal of purposeless association is mediated by his traditionalist attitude (note that this is exactly in line with my argument before), while his own position is not. As Hayek himself recognizes in the passage following the quotation just given, this difference is exemplified by the fact that liberals are enthusiastic about one very important type of spontaneous order, the market order, while conservatives fear its (often) abrupt, radical, unsettling and unpredictable effects. Hayek's position is in this respect non-conservative, since it takes only half of the conservative source of normativity on board. This leads to a very different view on the (instances of) spontaneous order that should be endorsed.

But what about the overlapping half itself? A second divergence emerges when we look into the ideal of purposeless association that Hayek actually holds. Hayek (like Oakeshott) holds that the spontaneous order has no purpose. Nonetheless, it does have a 'function', namely to serve the 'multiplicity of individual ends' of those participating in the order. Here too the market order (or 'catallaxy') is the best example: '[t]he cosmos of the market (...) serves the multiplicity of separate and incommensurable ends of all its separate members.' (Hayek, 1982a, p. 108). Again, this seems equal to Oakeshott. However, for most conservatives, as we saw, civil association has a (paradoxical) purpose: its own continuation. Whereas for Hayek the justification of spontaneous order is in the last instance in the pursuit of individual ends that it facilitates (for the market, the fact that it is a 'wealth-creating game' (Hayek, 1982a, p. 115), for the conservative the final justification lies in the preservation of the association itself.[9] This is a very important difference, that re-emphasizes the contrast we originally noted between the

instrumental nature of order in liberalism (cf. the social contract) and the conservative's opposition to that in the name of historically grown order which finds its justification within itself. The difference is between a political attitude that judges the pursuit of practices like politics, friendship, science, education, religion, etc. as important for its own sake (as motivated by an inner *telos*) and a political attitude that subjects these activities to the benefits (satisfaction of purposes) they deliver to their individual members.[10]

The example of Hayek confirms that the liberal and conservative sources of normativity remain distinct and opposed: while liberals may embrace spontaneous order(s), they will – following Hayek – be critical of the traditionalist attitude towards these orders. Conservatism is distinctive in that its endorsement of purposelessness is mediated through its traditionalism. Also, liberals in the last instance will legitimate spontaneous orders with respect to the individual pursuit of self-chosen ends (the good life), in contrast to conservatism's focus on the preservation of these orders.

#### **4. The Justification of Authority**

The same conclusion follows if we focus on one particularly important aspect of the conservative ideal of association: its view of authority. In this section I offer a discussion of the liberal and conservative's views of authority as a further example of the non-reducibility of the conservative's source of normativity to liberalism.

The liberal, as we saw, conceives of the individual as the ultimate authority about the life that she leads. My life is best if I make my own decisions about what to do and what to believe. The conservative, by contrast, maintains that this authority is always – at least partly – an external authority. There are choices we can best make and actions we can best undertake on the basis of directions by external authorities. Where liberalism maintains that life is best lived from the inside, conservatism maintains that life is best led – at least partly – *from the outside*. One way to understand this opposition is in terms of their differing answers to the problem of epistemic uncertainty about the good life. The liberal presumption in terms of individual choice is based on the idea that the individual is best placed to know what is good for him. Similarly, the conservative presupposes

there may be good reasons to rely on the judgment of authorities: ‘When people recognize an authority, they do not so much as surrender their judgment, but rather realize that they do not know how to judge or that their judgment is defective, and the authority’s judgment is better than the one they could arrive at on their own.’ (Kekes, 1998, p. 141-142). This view of authority is intimately connected to the theory of social practices mentioned in the previous section. Participation in practices requires skill and it is only natural that this skill in executing the defining actions of a practice is distributed unevenly. The most skillful will therefore have authority. If the practice is to function well, other participants will have to accept this authority; only then can they benefit from it and augment their own skills (MacIntyre, 1985, p.).

Another way of characterizing the difference is not by insisting on presumptions of inside or outside authority, but by asking what can justify authority. Put in this light, the liberal can allow exceptions to his presumption and accept external authority (authorities), but he has a different standard of justification. According to liberal theories, authority needs prior consent of those that will be affected by the actions of those authorized (at least the implicit consent, as in social contract theory). This view has been opposed by conservatives, who specify a different notion of consent, in terms of recognition, or acceptance, of authority. For example, Oakeshott is at pains to make clear that recognition of the authority of the rules of civil association does not require the agreement or approval of these rules by its citizens:

Recognizing the authority of *respublica* is not finding its conditions to be desirable or believing that others better informed than oneself have approved of them: it does not concern the merits or otherwise of the conditions. And if the ambiguous word ‘consent’ is used in this connection, then it is consent to *lex* and its jurisdiction, not approval of the conditions prescribed. (Oakeshott, 1975, p. 149).[11]

The conservative notion of consent implies that authority cannot and does not have to be justified at all; it simply has to be ‘recognized’ (or submitted to?). Such a recognition can only be acquired over time. In a provocative passage, Oakeshott puts it as follows:

And should it be asked how a manifold of rules, many of unknown origin, subject to deliberate innovation, continuously amplified in judicial conclusions about their meanings in contingent situations, not infrequently neglected without penalty, often inconvenient, neither demanding nor capable of evoking the approval of all whom they concern, and never more than a very imperfect reflection of what are currently believed to be ‘just’ conditions of conduct may be acknowledged to be authoritative, the answer is that authority is the only conceivable attribute it could be indisputably acknowledged to have. (Oakeshott, 1975, p. 154).

These differences between conservative and liberal views of authority are not merely theoretical. The practical implication is that the conservative view of authority will lead to a clash with liberalism in two types of situation: where authority is exercised over individuals within civil associations (or communities), and where there is an attempt to extend that authority to those outside of the association. Both types of conflict are instructive.

Within associations the conservative view requires political recognition and support of the authorities of these associations. For example, if there is to be a practice in which teachers have authority over their students, then this authority will need political backing in order to function. The same goes for doctors and lawyers, management executives, cultural, ethnic and religious authorities, etc. Without this backing, often if not always in law, orderly and continuous practices like health care, commercial organization, religious practice and legal litigation would be impossible, or so the conservative claims. The liberal assignment of individual rights does not address this concern. On the contrary, within associations the liberal tries to empower the individual against authority, in two ways. The first way is through the ascription of rights to those subordinated to authority to protest and reject authority. This happens, for example, when new patients’ bills give patients more rights to file complaints against their doctors, or when students are given rights to have the work of their teachers checked by others. Secondly, the liberal will defend a general right of exit: since the individual’s membership of the association is supposed to be the result of implicit or explicit consent,

he should be able to leave the association whenever he wishes. As a consequence we witness political contestation over the institutional balance between the assignment of authority and individual rights to constrict authority. Such contestation actually shows that the support of authority and the ascription of rights are incompatible – the first cannot be incorporated in terms of the latter (or vice versa). They can only be compromised in a delicate political balance in light of the legitimacy of the other.

A slightly different dynamic occurs when authorities of certain associations want to extend their authority over others (either individuals or members of other associations). Here the liberal view of authority implies that attempts to extend authority to unwilling others (after all, they aren't members of the association trying to extend its reach) should be rejected. In these types of situations the implications of the conservative ideal of civil association are less straightforward. The ideal of civil association is rather easily applicable to a society which consists of (which *is* itself) one civil association, but is not so easily applied to a situation in which several associations (communities) exist within one society side by side. How does the conservative deal with the fact of pluralism? I would suggest that much depends on the type of conservatism that is at stake. As we saw, the traditionalist attitude can support a range of very different communities (Section 2). Similarly, the other part of the conservative ideal, that of purposeless association, is also highly indeterminate – the inner *telos* of self-preservation does not in itself tell us what the object of preservation looks like. Christian conservatism will be different from Islamic conservatism, a Protestant one will be different from a Catholic one, etc. – all because of differing substantive principles and values that 'fill' each of these various theories. On the theoretical foundation of purposeless association flesh-and-blood communities arise with peculiar characteristics. Conservatives within these communities will still want to preserve these community features for their own sake ('this is the way we do things around here'), i.e. because of the conservative belief in continuity of the existing order (and this will be in opposition to a belief in individuals' interests in formulating their own conception of the good). But traditionalist purposelessness will now become mixed with substantive moral, religious, cultural and other kinds of doctrines.

When several of such substantive communities, animated by conservative forms of self-legitimation, have to co-exist as part of one society, several things may happen. One option, and the least problematic, is that these communities retreat into themselves. In that case the community demands no more than non-interference from the outside world. The battle for the ‘autonomy’ from the state sought by many institutions of civil society is testimony of this attitude (Scruton, 2002, p. 127-147). Another and more problematic option is that a wish arises to extend the authority to others outside the community (with the logical end result of pulling these others inside the community). One prominent conservative argument to defend such an extension of the community’s authority lies in the claim that non-members’ behavior violates their interests. For example, depending on their specific community convictions, conservatives may claim that gays marrying each other or women not wearing headscarves are offensive and therefore harmful to them. Such an ‘other-regarding interest’ will then have to be balanced against the harm to the individual’s ‘personal interest’ when she is forced to adjust to the community’s standard. For the liberal, the personal interest will trump the other-regarding interest; for the conservative vice versa (Feinberg, 1988, p. 55-64). In the ascription of legitimate authority between communities just as much as within them, then, we find another clear opposition: a part of the conservative doctrine that liberalism cannot (nor in most cases would want to) incorporate into its theoretical edifice.

## **Conclusion**

This paper has sought to reconstruct the relations between liberalism, communitarianism and conservatism. The debate between liberals and communitarians may well lead to the conclusion that the communitarian’s concerns can (largely) be integrated within liberalism. The conservative’s challenge to liberalism is distinct and more problematic to incorporate. While there is an inner affinity between communitarianism and conservatism (and their joint opposition to liberalism) in the endorsement of ‘community’, once one looks behind this abstract label to the more specific conservative source of normativity and its implications, we find that a more fundamental clash with liberalism is laid bare. Since this conflict is both philosophically intriguing and politically influential, a clear

understanding of its features is an important undertaking, to which, I hope, this paper will contribute.

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### **Notes**

1. We are only concerned with sources of *political* normativity in particular. What this means to the debate about sources of *moral* normativity, I leave out of consideration.
2. For a useful overview of comprehensive liberal theories and their connection to personal autonomy, see (Gaus, 2004, p.). For political liberalism, see (Rawls, 2005 [1993], p.).
3. For a more detailed account and comparison of the most important communitarians, see (Mulhall and Swift, 1996, p.).
4. For a useful distinction of five communitarian critiques of the self, see (Kymlicka, 1989, p. 47-70).
5. The communitarian may, for example, point to a free rider problem with regard to community benefits in the earlier stages of community building, when no internal goods have yet arisen (as against the Buchanan's argument).
6. For a useful overview, see (Rehg, 2007, p.).
7. One could question whether this is true for all conservatives. On the one hand this question misses the point of constructing a theoretical account of political theories like liberalism and conservatism. These are ideal typical constructions, abstracted from the work of many authors. This means that if some self-identified conservative author fails to meet one or more of these characteristics, we need not automatically adjust the ideal typical construction. We can also qualify the author in question as only 'partly conservative', or 'conservative in some respects but not in others.' At any rate, the

aspects I mentioned clearly are present in the work of some of the most important post-war philosophical conservatives. For proof with respect to Oakeshott, see my discussion of his work in the sections hereafter. For Scruton, see his *The Meaning of Conservatism*, p. 10-12 (on traditionalism) and p. 21-24, 127-147 (on civil association). For Kekes, see his *A Case for Conservatism*, p. 5-26 (on traditionalism) and p. 36-41 (on civil association).

8. Huntington rejects the interpretation of conservatism as an ‘aristocratic theory’ for these reasons. (Huntington, 1957, p.).

9. Oakeshott’s account of civil association doesn’t place emphasis on self-preservation. In this respect it may indeed be more liberal than that of other conservatives (Gray, 1993, p.). But see Cahoone: ‘Oakeshott famously says that the aim of the ship is to stay afloat, not to go anywhere in particular. But of course, staying afloat is a kind of goal, and may require much activism, especially in a storm.’ (Cahoone, 2002, p. 130-131).

10. Given its definition in terms of the law (*lex*), Oakeshott’s account often suggests that the political community as a whole (most often the nation state) is the only true civil association – all other collective human endeavors are enterprise associations. From this standpoint, he – with many other conservatives – would probably reject the attribution of purposelessness to the market.

11. See also (Cahoone, 2002, p. 182-184) and (Coats, 1985, p. 777). If this opposition is to be a real one, then the conservative must be right that liberalism presupposes a more substantive notion of consent, i.e. one in which the individual approves of the substantive content of the contract he consents to. This may not be an unreasonable presupposition for many forms of liberalism (those that go to great lengths to show how the contract satisfies the individuals’ basic needs, desires, or interests), but there may also be different forms of liberalism that do not incorporate this requirement.

### **Note on Contributor**

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