

Debate: Conservatism or Liberalism?

Introduction

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It is difficult to overstate the extent to which contemporary political debates fail to address the underlying philosophical arguments that inform the way we govern our societies and the leaders we elected to do so. It is therefore with tremendous pleasure that I hosted a set of both written and in-person discussions between two of the great minds of modern political and philosophical thought.¹ As you will see, Dr. James Orr, a friend and regular guest on my show, sets out with tremendous clarity and skill the arguments for the conservative worldview. He is ably challenged by Professor Stephen R. C. Hicks, another friend and favourite interviewee of mine, who argues for liberalism as the correct orientation towards the world. The debate is hugely informative, productive, and, I hope, of use to the reader—it certainly has been to me.

¹ The in-person debate was held in London, England, on November 2, 2023. It can be viewed on YouTube at: https://www.youtube.com/watch?v=f_y-84evkJ8. Given that the origin of this debate was a British podcast, British spellings have been retained in Konstantin Kisin's Introductory note and James Orr's contributions.

Round One: What Liberalism Is

Stephen R. C. Hicks

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The most direct route to political fundamentals is to ask: What should governments do? The different ‘isms’—liberalism, socialism, fascism, and so on—answer that question based on their most cherished values, holding that the purpose of government is to achieve those values. Yet societies are complex and we create many kinds of social institutions—businesses, schools, friendships and families, sports teams, churches/synagogues/mosques/temples, associations dedicated to artistic and scientific pursuits, governments, and so on—to achieve our important values.

So the next question is: What is *unique* about government, both in terms of *what* values it is responsible for achieving and *how* it should do so?

A government is a social institution distinguished by two traits: (1) its principles apply to the whole of society and (2) they are enacted by physical force or the threat of physical force. That is, governments claim and practice *universality* and *compulsion*.

In these two respects government is distinguished from other social institutions, such as businesses, religious associations, sports teams, and so on, which are *particular* and *voluntary*. Not everyone in a society does business with a given company, joins a given religious association, plays a given sport, or participates in a given musical group. And when a member of one of those social institutions disagrees with or breaks one of its rules, the most that institution can do is dissociate itself from that member.

A government, by contrast, claims and enacts the authority to apply its rules to everyone in a society. Furthermore, it claims and enacts the authority to use physical force such as confiscation, imprisonment, and execution against those who break its rules. It is a universal institution of compulsion.

Consequently, the key questions to answer when defining the proper, principled role of government are: What principles are *so important* that *everyone* in society should respect and live by them? What principles are *so important* that *physical force* may be used against those who violate them?

That is to say, the question of government power requires deep *moral* thinking.

And that is what puts the various ‘isms’ in conflict with each other, as liberalism, socialism, fascism, and so on bring to their politics different—often fundamentally different—values, value hierarchies, and philosophical justifications for their values.

The liberal answer to the value questions is, of course, to say that liberty is the top political value. By *liberalism* I mean the social philosophy that makes foundational the liberty of the individual in all areas of life—artistic, religious, economic, sexual, political, and so on.

Liberalism’s key political claims are that *all* individuals are entitled to liberty and *all* individuals should respect each other’s freedoms. That is the *universality* element. Any individual who violates the liberty of another can properly be subject to physical force. That is the *compulsion* element. The justification of government’s unique social power is thus based upon the value of liberty.

All other values to be achieved socially, liberalism says, are to be pursued by particular and voluntary institutions. The job of particular businesses is to pursue wealth with those who choose to associate with them. The job of particular religious institutions is to pursue worship with those who choose to do so in a similar way. The job of particular sports is to pursue physical challenges with those who choose to participate. The job of musical associations is to pursue aesthetic values with those who choose to be interested. And so on.

Most of society's work, liberalism thus says, is to be done *outside* the political sector by particular voluntarily formed institutions. The job of government, by contrast, is to use its uniquely universal and compulsive power in the service of one value: the protection of the liberty of individuals as they pursue their chosen values.

To put it negatively, it is *not* the task of government to provide any of us with friendships and enriching romantic and family lives, nor with good-paying jobs or spiritual fulfillment, nor with scientific understanding or aesthetically sublime experiences. It is our personal responsibility to seek and create those for ourselves, individually and/or socially as part of voluntary institutions. The task of government is *only* to provide the liberty-space to do so.

To protect freedoms, liberal governments devise a network of institutional elements. They specify religious liberties, property rights, free-speech rights, liberties to engage in commercial activities, artistic freedom, and more. They set up police, courts, and prisons to investigate those who violate others' freedoms and to restrain those guilty of doing so. And, most uniquely among political philosophies, liberal governments place explicit limitations on the scope and power of government itself—especially given the historical lessons of often terrible abuses of government power—in order to lessen the risk that government itself will violate liberties.

Yet advocates of other political philosophies disagree, and the debate is joined. Is liberty really the *most* important political value? What about security, prosperity, equality, justice, peace, efficiency, or spiritual purity? Is liberty *compatible* or *in tension* with them? In either case, why *prioritize* liberty?

The radicalism of liberalism is often daunting to its opponents. In part this is because liberalism is a relative newcomer in human history, after millennia of tribalism, feudalism, and many types of authoritarianism. Strong elements of liberalism had short-lived successes in classical Greece and Rome, more recently in some Renaissance Italian and Baltic states, and arguably in a few other places. Only in recent centuries has liberalism become a major contender in theory and practice, and only in some parts of the world.

Furthermore, aside from resistance from traditional forms of politics, liberalism faces formidable opposition from other newcomers such as modern socialisms, fascisms, updated hierarchical authoritarianisms, and systems that try to mix them.

Socialisms and fascisms fundamentally reject liberalism's prioritizing *individuals*, instead making a collective the top value, holding that individuals and their assets belong to their preferred collective. Accordingly, they conclude that the government should deploy its universal compulsive power to use individuals and their assets on behalf of the collective.

Hierarchical authoritarians fundamentally reject liberalism's prioritizing *freedom*, instead making the possession of power itself the top political value. Or they argue that some individuals are more worthy of power due to their differing natural or supernatural endowments and/or their success in the struggle to acquire power. Accordingly, they hold that the government's universal compulsive power can and should be used in the service of whatever values its possessors decide.

While all of the 'isms' recognize that the government is a uniquely powerful social institution, they differ over the values that justify the government's use of its unique power. That is to say, politics depends upon more fundamental *philosophical* beliefs about morality, human nature, and the meaning of life.

Liberalism believes in the individual and in the individual's fundamental need for freedom to pursue his or her meaning of life. Other 'isms' devalue the individual and/or deny the importance of any individual's need for freedom.

Liberalism has been a robust success in the modern world, yet societies are complex and a few centuries is a brief amount of time in political theorizing, experimenting, and institutionalizing. So liberalism is an ongoing project. It is not against conserving previous generations' political accomplishments, some of which are now traditions, as long as those accomplishments are justified by their liberty-enhancing effects. And it is committed to ongoing reform or the outright abolition of any still existing illiberal political traditions.

Liberalism is a work in progress.

Round One: What Is Conservatism?

James Orr

University of Cambridge

No champion of conservatism is ever comfortable defining it, because to define conservatism is to put oneself in tension with it. There is not, nor could there ever be, such a thing as a Little Blue Book or Tory Torah, for it is the perennial predicament of the conservative to be so alive to the human horror justified by the clinical certainties of political creeds that he will always feel unease at any invitation to write down one of his own.

A crisply distilled ideological schema that purports to be applicable to all people at all times and in all places disturbs the conservative's instinct for the particular over the universal, the empirical over the rational, the concrete over the abstract, the pragmatic over the ideal, or—in that memorable phrase of Michael Oakeshott—"present laughter over utopian bliss."¹

Another reason for scepticism at condensing a political outlook into a manifesto is the suppleness of conservatism, responsive as it is to the situations in which a given community finds itself. The conservative recognises the messy contingency from which every society emerges and the catastrophic effects of forcing it to conform itself to a blueprint that assumes it can reset itself to year zero.

When confronted with the question of how to describe the ideal form of government, the conservative will reply, with Solon of Athens, for whom and at what time? The conservative sees no contradiction at

¹ Michael Oakeshott, "On Being Conservative," in Michael Oakeshott, *Rationalism in Politics and Other Essays*, 2nd ed. (Indianapolis, IN: Liberty Fund, 1991), p. 408.

all in defending the longstanding constitutional rights of gun owners in the United States and criticising the loosening gun laws in jurisdictions where no such rights have existed before. At the high noon of the Cold War, to be conservative was to see and prize the good in liberalism, to defend spontaneous order against central planning, individual liberty in the face of collective coercion, and the freedom of a sovereign people from a tyrannical will. But at the dawn of the digital age in which the market state has defeated the centrally planned one, many conservatives are as quick to sound the alarm as loudly as any on the Left at the power of technology and unfettered global markets to liquefy the ties that bind us to each other and suffuse our lives with the blessings of belonging.

And yet for all that, there are certain habits of thought and guiding impulses that distinguish the conservative temperament from its rivals. If one were to isolate a single organising idea behind conservatism, one might well point to the notion of order. On this view, the real foe of conservatism is neither the liberal nor the socialist, but rather the anarchist and the libertarian. Without order as the enabling condition of its flourishing, no society can be truly free, as Edmund Burke saw long ago when he observed “the only liberty ... is a liberty connected with order.”²

Crucially, though, political and social order cannot be imposed arbitrarily from above nor can it be dictated by an atavistic devotion to a golden age that never was, but must rather be permitted to emerge organically as a response to the structures and patterns of the world as we find it, including the conditions that nature itself affords for our flourishing as mortal animals.

What most discomforts conservatism’s critics is its insistence on forms of hierarchy without which order is impossible, an unease that springs from the mistaken egalitarian impulse that social distinctions, cultural norms, and individual talents are suspect and any enlightened society should wish to eradicate them. And yet, as conservatives observe, the belief that the distribution of social goods should be as equal as possible has motivated constraints on agency and enterprise that no

² Edmund Burke, “Speech at His Arrival at Bristol,” in *The Works of the Right Honourable Edmund Burke*, vol. 2 (London: John C. Nimmo, 1887), p. 87.

honest liberal could accept. Moreover, the hostility to hierarchy also overlooks the degree to which the countless many interlocking systems—legal, economic, technological, constitutional—that generate and sustain social cooperation at scale rely on an inconceivably vast and granular distribution of functions. While many of these roles can be competently discharged by most individuals, in the modern age increasingly many of them require such a narrow range of skills—some innate, some instilled—that, given their scarcity, they will inevitably confer on those who possess them the gleam of social regard.

It is inevitable that a hierarchy of social regard will then emerge. Indeed, the conservative will argue that such hierarchies should be celebrated if a society is to motivate future generations to emulate the contributions of their forbears to its flourishing. “Take but degree away,” observes William Shakespeare’s Ulysses in *Troilus and Cressida*, “untune that string, / And hark what discord follows.”³ Attempts to remove the gradations are, in reality, attempts to dissolve the order on which any society depends. No program of social engineering can dissolve the basic facts of human psychology or prevent the radically uneven distribution of human aptitudes in a given environment from crystallising itself into a hierarchy of honour. Moreover, as anyone who has lived in a socialist society can attest, every revolution brings a new aristocracy in its wake. The dissolution of one hierarchy simply ushers in a more arbitrary stratification, one more pernicious and difficult to dislodge for being cloaked in the illusion of equality.

As Gustav Mahler is alleged to have remarked, tradition is not the worship of ashes but the preservation of fire.⁴ But what is the fire that conservatives take themselves to be preserving in tradition and why? Tackling this question takes us to the animating core of the

³ William Shakespeare, *Troilus and Cressida*, Act 1, Scene 3, lines 85–86.

⁴ While frequently attributed to Mahler, this quotation is most likely a paraphrase of “they but preserve the ashes, thou the flame,” from a poem by John Denham, “To Sir Richard Fanshaw, Upon His Translation of ‘Pastor Fido’,” accessed online at: <https://allpoetry.com/To-Sir-Richard-Fanshaw.-Upon-His-Translation-Of-'Pastor-Fido'>.

conservative vision and helpfully distinguishes that vision from positions frequently mistaken for conservatism. For tradition itself is indeed no more than ash if it involves nothing more than recursive allegiance to people and place simply because they are ours. Reflective conservatives grasp that what tradition preserves is those basic goods—life, family, friendship, knowledge, beauty, meaning, play—that, though refracted necessarily through the prism of a particular set of human experiences, are in fact intrinsic to human flourishing as such. Where a tradition imperils those goods, the conservative insists, it should be rejected; but what distinguishes his outlook is the view that tradition is the repository of tried solutions to perennial problems and the recognition that—as Nassim Nicholas Taleb points out while discussing the Lindy Effect⁵—ideas age in reverse: the longer a precept or habit has survived, the more conducive it is likely to be to overcoming the challenges of those who inherit it. However staggering the advances the West has made in the past two centuries or so, the knowledge needed to solve coordination problems confronting us rarely if ever resides in a single mind. That is because it is dispersed and sedimented in laws, customs, norms, and rituals—a cumulative inheritance that should be applied in the present and passed on to the future in the absence of pressing and plausible reasons for abandoning them.

Rarely has it been more fashionable than today to dismiss conservatism as a reactionary resistance against the long march towards the sunlit uplands of an emancipated egalitarian utopia, the settlement of which is assumed to be the fruit of the progressive Left’s radical quest for justice tempered by the influence of liberalism. As a narrative, that is as false as it is pervasive because only conservatism charts the middle course between ideologies that elevate the self over the collective and ones that swallow up the self in the collective. Stripped of the many and various accretions with which the Enlightenment has burdened it, conservatism at its core continues to offer the most accurate picture of what settles us in our world and joins us to one another. The conservative outlook orients a society towards everything that it must protect and preserve if it is to enjoy the ordered freedom and relational flourishing that liberalism rightly craves but can never achieve.

⁵ Nassim Nicholas Taleb, *Antifragile* (New York: Random House, 2012), pp. 316–20, 329.

Round Two: A Liberal Critique of Conservatism

Stephen R. C. Hicks

1. Introduction

It is a pleasure to read and respond to Professor Orr's learned statement of a conservatism, one that is both rooted in tradition and updated to the contemporary.

Conservatism's top values, we learn, are *order*, *hierarchy*, a sense of *belonging* to a particular community in a particular time and place, a deference to *tradition*, and a *resistance to changes* that are too sweeping or too quick. Simultaneously, conservatism is distrustful of *abstract definitions*, eschews commitments to *universal* principles and *certainties*, preferring the *empirical*, the *particular*, and the *pragmatic*. Professor Orr devotes a paragraph or two to explicating further each of those core concepts.

As a political *philosophy*, then, conservatism makes a pair of commitments—one in the *value* realm (order, tradition, etc.) and one in the *epistemic* realm (particular, pragmatic, etc.). Integrated, those commitments tell us to begin with our current particularities as they have emerged from the contingencies of history and to *conserve* the core of those as distilling the wisdom and practicality of the ages, at the same time allowing for the possibility of incremental changes for the better.

In the spirit of constructive conversation, I will now critique and question conservatism's key themes, enumerating them for ease of reference.

2. On Normative Claims

We cannot begin by generally valorizing order, hierarchy, or tradition because there are good and bad orders, moral and immoral hierarchies, and decent and wicked traditions. Totalitarian socialisms,

for example, strive for order; rigid feudalisms insist upon hierarchies; and by appealing to tradition, some tribalists resist attempts to stop clitorectomies on pubescent girls.

I am certain that Professor Orr also rejects such practices as wrong. Yet it is necessary for conservatives to make clear the evaluative standard by which we are to sort orders, hierarchies, and traditions into good and bad. We do not, though, find such a standard in Professor Orr's essay, and that strikes me as an important omission.

3. On Epistemic Claims

Here, the epistemic attitude of conservatism becomes important and perhaps partly explains the omission of a clear evaluative standard. Conservatism is characterized as *reluctant* to identify *certain* standards, to *define*, to make *universal* claims.

In Professor Orr's words, definition is not "comfortable." The word "certainties" is paired with "horror." The idea of universal principles "disturbs the conservative's instinct."

Modest skepticism *can* be a healthy reaction to the many religious dogmatisms that historically have been socially devastating and, in more recent times, the free-floating rationalistic schemes that have also wrought destruction. So in the face of that history, a call for being more careful epistemologically—seeking empirical evidence, sometimes being content with possibilities rather than demanding certainties, and asking what actually works—is a good cognitive corrective.

Yet being skeptical on principle throws babies out with the bathwater.

4. On Certainty and Skepticism

To see this, let us consider what I, speaking for liberalism, take to be some of modern liberalism's achievements: identifying *universal* human rights to life, freedom, and property; the *principled* elimination, in theory and in practice, of women's second- or third-class status; its moral *certitude* in identifying slavery as an *evil* and banishing it to illiberal, underground outposts. That is, liberalism does use the language

of universal principles, clear definition, and often of certainty in drawing the line between good and evil.

By contrast, if conservatism views *certainty* with something like horror, then that implies it is *not* certain that slavery is wrong—that *possibly* slavery is acceptable in some circumstances. If conservatism’s instinct is to find *universal* principles as disturbing, then it is not disturbed by *some* human beings’ *not* having rights to life and property. If conservatism is uncomfortable with seeking *clear definitions*, then it will have to accept *fuzzy and shifting deployments* of (for example) “rape,” “harassment,” and “flirtation”—or of “genocide,” “terrorism,” “violence,” and “speech”—with negative consequences for the social and legal order it also values.

In contrast to conservatism’s skepticism, liberalism is indeed cognitively optimistic. Liberalism’s operating principle has been that learning from experience and generalizing to sound universal principles is possible. We can define slavery and know it is wrong. We can learn for sure that both men and women are capable of self-responsibility and self-governance. We can abstract from ethnic/racial/religious particularities and grasp that individuals’ rights are universal.

The danger of conservatism, then, is that if it begins with a vague deference to order and tradition combined with a reluctance to define its standards rigorously, then it is, as Professor Orr suggests, a “temperament”—or at worst a prejudice—and not a principled philosophy. And if politics is basically a matter of temperaments and/or prejudices, then—since those are highly variable—conservatism’s soft skepticism devolves into relativisms. From there it is a short step to old-fashioned tribalisms and new-fashioned postmodernisms.

Yes, epistemology is complicated and we are still learning about how humans’ cognitive powers work and can work better. Yes, there are in academic philosophy persistent empiricist-rationalist and is-ought dichotomies that many have not overcome. Yet skepticism is not the only alternative to religious dogmatism and fact-free rationalism.

One important lesson here is that *political* debates—such as this one between conservatism and liberalism—are not fundamental but depend upon *philosophical* debates in epistemology and meta-ethics.

5. On Politics

Politics is about defining, sorting, enabling, and enforcing values in a social context, with special attention to the role of government. Societies, as Professor Orr rightly emphasizes, are complex along several dimensions. One of those dimensions is the *voluntary-compulsory* dimension. What values will be sought through voluntary social methods and which will be sought through compulsory social methods?

So if we take for granted the conservative list of top values—order, hierarchy, tradition, belonging, and so on—then an essential question of politics is: Will those values be pursued by individuals making *voluntary* choices or will that 800-pound gorilla of social institutions—the government—*make* them happen?

Governments assert that their sovereignty is *universal* over society, and they use instruments of *compulsion* (police, courts, prison, the military) to enforce their sovereignty. So any political philosophy *must* have a clear principle for determining which subset of values the government is responsible for.

Liberalism makes its principle clear: Individuals are to be free and governments exist properly only to protect individuals' freedoms. All other values are to be pursued by individuals themselves or by individuals voluntarily working together. Furthermore, liberalism highlights the fact that the government itself is a *uniquely* powerful institution—and that historically it has been a *uniquely dangerous* institution—such that its positive powers and proscribed limits must be made crystal clear.

Yet, by contrast, I did not find in Professor Orr's essay any such principle of government on behalf of conservatism, and again that strikes me as an important omission. "Government" is mentioned once, in a paragraph that says that conservatism endorses examples of wide-ranging policies across many times and places, some of those policies in tension (if not contradiction) with each other, and with no clear demarcation between what government is responsible for and what individuals and voluntary social institutions are responsible for.

We are left, then, without a conservative theory (or even a principle) of government. Are we to assume that if, say, *order* is the top value for conservatives, then governments may in principle do anything to preserve order? Or if, say, *tradition* is a basic warrant, then the fact that traditionally governments have asserted power over pretty much every aspect of human life in principle warrants conservatism in continuing those traditions?

By contrast, liberalism says clearly that individuals should be free to run their own lives—religiously, artistically, sexually, intellectually, economically, and so on—and that government power is limited to objective threats to or violations of individuals' liberty.

6. On Enemies

I offer a concluding thought that is perhaps more of a question than a point. In his opening essay, Professor Orr explicitly identifies some of conservatism's enemies: not only liberalism but also socialism, egalitarianism, anarchism, and libertarianism. While "conservatism" is often a big-tent label, Professor Orr emphasizes that conservatism is particular, changing, and pragmatic and that it should reject worldviews that are universalistic, timeless, ideal, and held with certainty. Yet consider most of the world's major religions and the religious conservatisms based upon them; they emphatically assert universal, eternal, and ideal truths to be accepted as absolutely certain. Should such religious worldviews be added to the conservatives' enemy list, explicitly?

Round Two: A Conservative Critique of Liberalism

James Orr

Criticisms of liberalism do not come naturally to those formed in the Anglo-American conservative tradition. For although liberalism traces its origins to early modernity, many of its most enduring insights long predate the Enlightenment. The sovereignty of the self against coercion by church or state, confessional liberty (and the associated freedoms of expression and association), the right to property, the inalienability of natural rights, the equality of all before the law, the checks and balances of parliamentary democracy, the principles of equity and trust: each of these jewels in liberalism's crown had begun to be won centuries before its actual arrival. Each of them was the outcome of a delicate dance between the myriad moving parts of England's emerging constitutional landscape, a complex and highly specific configuration of historical conditions that were uniquely conducive to liberalism's birth. In other words, liberalism—at least in its Anglosphere varieties—marks not a rupture in the history of ideas but the final fragile fruition of the social order that the first self-consciously conservative thinkers took at such pains to preserve and protect from the anarchic adulation of freedom that would have such catastrophic effects in Continental Europe.

It was the Girondin revolutionary Madame Roland—that archetype of the liberal mugged by the political consequences of elevating egalitarian freedom above every other value—who famously exclaimed, as she was lowering her neck onto the guillotine, “Oh Liberty! What crimes are done in your name!” At the core of my disagreement with Professor Hicks is the claim that Madame Roland's astonishment was understandable but unfounded: a society that prizes freedom above all else is a society that will, in time, descend into tyranny. Hicks rightly raises the question of why we should rank liberty over other goods, but he seems to leave it unanswered. The conservative grasps a paradox that the liberal fails to see, which is that if we truly value liberty we should never treat it as ultimate. If that seems puzzling, consider the paradox that the political liberal's axiomatic organising

principle (as Hicks himself observes) is not freedom, but the total monopoly on coercive power by the state. That acknowledgment implicitly recognises a paradox that every conservative cheerfully accepts, namely, that limits liberate, that the exercise of freedom is possible only if freedom is restricted.

On the conservative view, liberalism's preference for individual freedom over the ties that bind the individual to family, community, and nation gradually erodes those ties until the state remains as the sole guarantor of individual freedom, a state of affairs as certain as any to bring about the tyranny that liberalism wishes to avert. The liberal mind constantly tests and questions the limits of what a society can tolerate to the point at which the liberal state must abandon its neutrality and invoke ranking principles for resolving conflicts between the free choices of its citizens, conflicts that arose only because of liberalism's beguiling myth that the only acceptable limits to freedom are those imposed by positive law. For the conservative, recourse to the legal adjudication of the limits of human freedom is a mark of a dysfunctional moral community. As Colombian philosopher Nicolás Gómez Dávila once observed, dying societies accumulate laws like dying men accumulate remedies.¹

Two central assumptions have animated liberalism from early modernity onwards: first, that true freedom is freedom from any and all involuntary ties and, second, that the recognition of the moral equality of all human beings is strictly incompatible with a hierarchically ordered society. At the beginning of the modern era, the Anglosphere had secured such an unprecedented degree of geopolitical dominance that both these axioms came to acquire the status of a dominant orthodoxy, one that all people of good will and right mind would sooner or later acknowledge as universal truths. But it is an illusion to suppose, with John Locke, that we are "by nature all free, equal and independent"² or,

¹ Nicolás Gómez Dávila, "Las Sociedades Moribundas Acumulan Leyes Como los Moribundos Remedios," in *Escolios a un Texto Implícito: Selección* (Bogotá: Instituto Colombiano de Cultura, 1977), p. 106.

² John Locke, "Second Treatise of Government," in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), sec. 95.

with Jean-Jacques Rousseau, that because we are born free we must repudiate the shackles with which our society burdens us.³ We are born bound to others. We are born bound in the most basic sense imaginable to our biological mothers and in the most fundamental social sense that we cannot develop as persons without the dense webs of reciprocal ties of family, a community, and a nation. As Aristotle argues in the opening book of his *Politics*, it belongs to our nature as a species that we can flourish only in the context of a political community made up of concentric circles of constraints from household (*oikos*) to neighbourhood (*komē*) to state (*polis*).⁴ Note that those complex matrices of human relations could not bring about the formation or flourishing of persons that they do in the absence of some kind of hierarchical structure; moreover, they would collapse in the absence of widely acknowledged principles of power to configure them correctly and hold them in place.

And yet, as Hicks correctly notes, liberalism resists both hierarchy and power as incompatible with the pursuit of freedom as the ultimate good. What sets liberalism apart from its rivals, he claims, is that “[h]ierarchical authoritarians . . . make the possession of power itself the top political value.” But the possession of power is the enabling condition for organising any society, including the liberal social order that makes it possible to elevate freedom as the highest value. None of the ideologies he mentions, however morally bankrupt they have proved to be, seeks power simply for the sake of it, even if many tyrants can and do mask their thirst for power in ideology. Nor is liberalism uniquely immune to tyrannical impulse that Hicks rightly attributes to other ideological outlooks. As he notes, liberalism also requires “the government’s universal compulsive power” to achieve its ends. The trouble is, as I suggested in my opening essay, that liberalism’s aim of

³ Jean-Jacques Rousseau, *The Social Contract*, in *The Social Contract and Discourses*, trans. and ed. G. D. H. Cole (London: J. M. Dent and Sons, 1923), Book I, chap. 1.

⁴ Aristotle, *Politics*, trans. Benjamin Jowett, in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton University Press, 1984), Book I, chap. 1.

securing the absolute liberty of all, especially of those individuals and groups whose free choices disrupt their society's inherited norms and self-understanding, can and does give rise to authoritarian constraints that are much harder to escape. That is precisely because liberalism pretends to achieve freedom from all constraints, including those necessary for securing a functional common life, and because it pretends to operate on the basis of a strictly neutral appraisal of the good even though it rests on highly contentious presumptions about human nature, including the claim that freedom is always and everywhere the highest good for every human being.

Postmodernism itself is an outlook that Hicks has analysed and criticised powerfully over the years. But the fragmentation of metaphysics that postmodernism ushers in—neatly distilled in Jean-Paul Sartre's rejection of stable order of essences in favour of an anarchic flux of an "authentic" or freely authored existence—represents nothing less than the logical fruition of Hicks's own philosophy. As Hicks notes, "[l]iberalism believes in the individual's fundamental need for freedom to pursue his or her meaning of life." That idea lies close to the core of postmodernism. As it elevates the freedom of the individual self to stipulate his own conception of reality, liberalism must also insist on the equal legitimacy of every other freely chosen conception, whatever logical contradictions may then arise.

One strategy—favoured by quite a few guests on *Triggernometry* over the years!—is to retreat from the obvious excesses of liberalism in its neoliberal or progressive guises back towards the uplands of "classical liberalism." If I am right, that approach is doomed to fail. For liberalism is oriented by definition towards a horizon of total emancipation from any and every unchosen bond, including, in the case of transgender ideology, emancipation from the limits of one's very embodiment. The atomisation of modern society, the tectonic contradictions of identitarianism, and the shattering of civic and economic harmony are not puzzling aberrations of liberalism but the outworking of its inner logic.

Round Three: How Liberalism Solves Everything

Stephen R. C. Hicks

Let me turn, in this third round of our exchange, to the role that *history* plays in evaluating our competing political theories. So far Professor Orr and I have articulated conservatism's and liberalism's theoretical claims about human nature and the values that are to be protected and enforced politically.

Conservatism, in Professor Orr's version, makes social *tradition*, *order*, and *hierarchy* its top values. Liberalism, on my account, makes *liberty* of the *individual* its top value. Underlying those choices of value, two fundamental philosophical differences have emerged, both of which have significant differences for how governments will use their political power of compulsion.

One fundamental difference is over our basic human status: Are we free or not?

Note Orr's frequent use of what liberal me sees as dangerous metaphors. He refers positively to the "ties that bind us" in his first essay and repeats that formulation in his second. "We are born bound," he asserts even more strongly in his second essay. He tells us that "unfettered" markets are bad—and that it's a liberal illusion that "we must repudiate the shackles."

Pause and reflect upon the significance of the language: *fetters*, *shackles*, *ties*, and *bondage*. For Orr's conservatism, these are to be taken as *basic* and as *good*. No one of those words is more than eyebrow-raising in isolation, but the repeated pattern is something more.

Furthermore, the language of being bound and tied *is not true*. We are born into circumstances of family, geography, and broader society—but we are also free agents in development. Our mothers may prepare traditional foods, yet we individually can form our own taste preferences. Family membership begins unchosen, but we can decide which siblings and cousins we want to remain associated with. As a

growing-to-adulthood person I can (and should) think freely about the religion of my father and the politics of my mother and choose whether to accept or reject those beliefs. Most of my peers growing up may listen to certain music and follow certain fashions—and I can choose to join them or decide to explore on my own. Those raised in the country can decide to move to the city, those raised in the mountains can take jobs by the seas, and vice-versa. We are all free agents who choose for ourselves the (hopefully) integrated set of life circumstances that will make our lives meaningful. And if we do not find those circumstances already existing, we can work to create them.

True, one may choose to accept, more or less passively and uncritically, the circumstances of one's birth. Conservatism as a *temperament* may pull strongly in that direction. Or one may more thoughtfully choose to accept one's found circumstances. But it is a *philosophical* mistake to elevate that acceptance to a universal statement of the human condition, and it is a *political* error to suggest that government power should be based on such preferences.

A second fundamental difference between liberalism and conservatism is over the relationship between liberty and order. Professor Orr sometimes characterizes them as an either-or dichotomy and sometimes as best understood as ordinally related, with order being more fundamental. In Orr's dichotomy version, conservatism's order is the opposite of liberty, which leads to libertarianism, anarchism, and even postmodern nihilism. In his ordinality version, liberty at most can be a secondary value if and when nested within a proper conservative order.

Neither of those versions is true, from my liberal perspective. Rather, liberty *is* the principle of order.

More generally, liberty is the organizing *social* principle. Here, Orr properly recognizes and endorses a Hayekian “spontaneous order” principle: the aggregate of individual free choices constitute social patterns such as marriage commitments, business arrangements, sports leagues, and religious institutions. It's not that first there is order and then some liberty happens within it. Rather, *the order is made by the free choices* of those who create the institutions.

More narrowly, liberty is the top *political* value. A government is one social institution among many, one that specializes in one function: protecting the liberty of its citizens. Here too, liberty is not *opposed* to order; it *is* the principle of political order. A liberal government gives this basic *order*: respect freedom. And it gives plenty of consequent *orders* to those who do not. The police *orders* suspects to arrest and *orders* them to jail; courts follow procedural *orders* to determine whether liberties have been violated and *order* those convicted to pay fines or to be incarcerated; and the military uses its *order-intensive* methods to protect its citizens from foreign invaders.

Order is baked into liberal social and political philosophy. It's just not a socialist, fascist, aristocratic, or conservative understanding of order, each of which charges government with ordering society on the basis of values other than liberty.

(As this debate is about social principles and laws, set aside the temptation to see political liberalism as asserting that individuals are free to choose their own physics, chemistry, or biology. The metaphysically given is not a matter of choice; our social and political arrangements are.)

The liberal-versus-conservative theoretical principles can be argued abstractly but must be integrated with empirical evidence, the best of which is historical, selectively seeing history as a laboratory of political experiments. What does history teach us about *theoretical* liberal and conservative principles in *practice*? Functionally, how have *abstract* conservative appeals to tradition, order, and hierarchy worked in *particular* contexts in contrast to how liberal appeals to individual freedom worked?

Professor Orr's conservatism repeatedly stresses three values. Tradition: "the longer a precept or habit has survived, the more conducive it is likely to be." Hierarchy: we must get past "the hostility to hierarchy." Order, that is, deference to "the structures and patterns of the world as we find it."

Now let's march through modern history's key social and political transformations.

In the 1400s and 1500s, innovators in the art world—among them Michelangelo, Leonardo, and Raphael—had to fight for the *freedom* to explore new themes and methods. Those using the language of *tradition* resisted and opposed them, sometimes to the point of censorship and bonfires of the vanities. The liberty of artists was eventually won socially and politically.

In the 1500s and 1600s, new versions of religion asserted themselves, claiming that *individuals* have a solemn responsibility to think and decide *freely* how to commit their souls. Those religious *traditionalists* who used the language of *hierarchy* and *order* resisted them, again to the point of revenge cycles of censorship and human bonfires. Liberty and a culture of tolerance for individual religious pursuit eventually prevailed.

In the 1600s and 1700s, the new sciences—*free-thinkers* and experimenters among them—threatened *traditional* views and the established *hierarchy*, which again felt justified in using threats and violence to suppress wrongthink. Socially and politically, again after many hard-fought battles, we came to valorize individual *free-thinking* and *challenge* to traditional views in doing science.

In the 1700s and 1800s, women and anti-slavery activists more vocally and effectively began demanding universal *freedom* for all *individuals* as a matter of moral right. We know who appealed to *hierarchical* family roles and following parental *orders*. We also know who deferred to longstanding *tradition* with respect to slavery. Yet the liberal philosophy won after many messy battles and even war.

The point is *not* that individual conservatives *now* have the same particular opinions about art, science, and slavery as conservatives did generations ago. The point is that the language they use is the same—tradition, hierarchy, order—and the methods and goals that language valorizes are as empty or obstructionist as they were in the past.

The only exception is this. Conservatism in the modern world is frequently after-the-fact agreement with liberalism. In the modern world, the liberals won the debates over the politics of art, science, religion, and about the status of women and slaves—and then they changed the social practices, sometimes revolutionarily. *After the fact*, conservatives made their peace with the new, more liberal reality.

Conservatism at its best, then, from the liberal perspective, functions as a supplemental social force that helps to consolidate liberalism's achievements. Once liberalism becomes the standing tradition, some conservatives sign on to the new order.

A final remark. The tension remains when, as is always the case, humans confront new challenges and our fundamental philosophical commitments are put to the test. In our era, we wonder whether liberalism can meet the challenges of immigration, robotics, primitive tribalisms, transgenderism, social media hate speech, and biological viruses or whether we need to revert to some form of illiberalism to save the day.

In my judgment, both theory and history are confidence-boosting. The track record of liberalism also includes its 1900s battles with illiberalisms on a world-historical scale. National Socialism, Fascism, Militaristic Authoritarianism, and International Communism were formidable adversaries, each mounting philosophical and political threats to liberal ideals and practice. Yet the more liberal nations of the world did rise to the challenge—initially rather slowly—and they did win the wars. They then emerged to rebuild, grow, and flourish. To put it bluntly, if we can beat the Nazis and the Commies, we can beat anything.

Free people solve problems and create. They have the ingenuity, the experimental outlook, and the willingness to learn from their mistakes. They also have the capacity to produce great wealth and mobilize resources to meet any challenge.

Nothing is automatic and there are no guarantees in life. Yet it's realistic to have a healthy confidence in the power of free societies to solve our current and future problems.

Round Three: Conservatism: Final Thoughts

James Orr

I should begin by recording what a pleasure it has been to take part in these exchanges with an interlocutor of the calibre and generosity of Prof. Hicks. Most readers will not need reminding how few universities today could or would facilitate such a fair-minded to-and-fro on the philosophical tectonics that lie beneath so many debates in the public square today. That those debates too often resemble a dialogue of the deaf is a symptom of the failure of the academy to fulfil its essential function of modelling civil and illuminating disagreement on contentious questions that matter more than ever at this disquieting juncture in the long history of the West. It is one of the many strengths of Hicks's contributions to our exchanges that he recognises that the differences between us are, against the backdrop of the radical progressive outlook we strenuously reject, primarily differences of emphasis, even if I am convinced where he is not that wokus pokus is liberalism on steroids.

Our opposing treatments of liberalism and conservatism have been somewhat broad-brush and we have each sailed close to caricaturing the other's tradition. That liberalism elevates freedom above other values does not mean that it is a catalyst for social anarchy; at its best it understands that freedom needs foundations. That conservatism sees organically emerging hierarchies as a hallmark of any flourishing society does not mean that it repudiates liberty or rejects the moral equality of all. On the contrary, it is because it is committed to liberty and equality that conservatism insists on protecting the guardrails that protect those ideals.

All that said, Hicks is wrong to suggest that freedom is liberalism's only foundational value. What distinguishes liberalism from libertarianism is that it takes equality to be no less axiomatic. Equality is, after all, the moral ideal that animates liberalism's opposition to hierarchy in society. That double commitment is not only perfectly coherent on liberalism but inescapable, because once one gives priority to freedom of choice one cannot justify why the free choices of every individual should not be treated equally. On what basis, after all, can one judge one free choice to be better than any other if the only salient consideration is whether or not a choice is freely made?

Hicks suggests that the discomfiting nuances in my Burkean talk of "fetters" and "bonds" should alert us to the errors of the conservative outlook. I do not think we should take this semantic approach at all seriously. In the first place, it should go without saying that fetters and bonds are good or bad depending on the context in which they are imposed. After all, every liberal grants the distinction Locke draws in his *Second Treatise* between the "state of liberty" and the "state of licence"¹ and, in doing so, implicitly recognises that the ownership of property and the exercise of freedom must be fettered and bonded in some way if those rights are to be ordered towards liberty rather than licence. Second, if Hicks thinks that the language enjoining restraint carries a sinister freightage, that is only because we have grown so accustomed to the Promethean posture of liberalism, one that treats any and every constraint on autonomy and agency as morally intolerable. That is why so many of the virtues that depend on recognising the limits of the self are vanishing from our culture. Loyalty, honour, obedience, humility, responsibility, moderation, trust: none of these virtues can take root in a society of individuals who refuse to fetter their egos and their appetites or who insist that the bonds that stitch any commonwealth together should be severed rather than strengthened.

Hicks repudiates the authoritarianism he associates with conservatism. But the truth is that without authority there can be no freedom. To secure any freedom worth having we must secure the right to freedom, but that can be achieved only if rights are underwritten by

¹ Locke, *Second Treatise*, sec. 6.

an authority that imposes limits on the freedom of all in order to ensure that the freedom of the few does not crush the freedom of the many.

It is not conservatism but liberalism that is complicit with authoritarianism, because the more one ranks the freedom of the self over its duties to others, the greater the need for an authority powerful enough to take up the responsibilities that liberalism forswears and to protect and police those freedoms for the sake of civic peace. The more freedom individuals are given to construct a self-identity that floats free of the anchoring ties of kinship, heritage, and community, the more the state is empowered with the authority to protect and police the choices that individuals make. That explains why—in Britain at least—the most atomised generation of young people in history is also the generation most inclined to an authoritarian future. Atomisation and authoritarianism are structurally complicit.

Conservatism, by contrast, has historically understood freedom not as the bare assertion of a person's autonomy, but as an achievement—hard won and easily lost—of society as a whole. A free society emerges, slowly and fitfully, from the accumulation of historical narratives, inherited norms, unspoken conventions, constitutional principles, social distinctions, and communal identities that collectively explain why that society is so much more than a random agglomeration of solitary freedom-seekers. The only way to restrain authoritarianism is to safeguard these mechanisms, however inequitable or irrational they may appear at first glance, because they are the only means we have to sustain the social trust that makes the tyrant redundant. It is an egregious error of liberalism to elevate above all else the self-determination of individual agents, not least because who I am as an individual is inseparable from how I understand myself in relation to others. Always and everywhere, human beings have yearned to belong to something greater than themselves. That is why my aspiration to freedom ceases to be intelligible if I force myself to pretend that I am not the inheritor of these criteria of right action, these tried-and-tested norms for human flourishing, this particular society with this particular history, and so on. Respect for tradition, as G. K. Chesterton famously framed it, is nothing more than the democracy of the dead, the refusal to submit to the small and arrogant oligarchy of those who merely happen to be walking

about.² On liberalism, though, the enabling conditions of a free society are only obstacles to freedom, ones that are ripe for subversion the next time the revolutionary kaleidoscope is shaken.

Hicks claims that the Renaissance, the Reformation, the early stirrings of feminism, and abolition of slavery are fruits of the fight for freedom. His implication is that these moral revolutions were inspired by an embryonic crypto-liberalism, as if any aspiration to freedom as a moral ideal is compatible only with the liberal outlook. But none of those movements can be explained even in part by any doctrine of liberalism. The Renaissance emerged not in spite of the tradition-bound hierarchy of the Catholic Church, but because of it (Michelangelo did not pay for the Sistine Chapel himself). Besides, that era is more accurately understood as the kind of exercise in retrieving tradition—specifically the artistic, literary, philosophical, and political traditions of Greece and Rome—that elsewhere liberals deplore in the quest for year zero. As for the Reformation, its leading figures saw themselves as recovering the pristine sense of Scripture and renewing the spirit of the Early Christians after the theological obfuscations and institutional corruption of Catholic Christianity. And the animating spirit of abolitionists such as Thomas Clarkson and William Wilberforce was not a liberal yearning for self-determination, but rather a deep theological conviction, rooted in an ancient canon of sacred texts, that in a divinely created order freedom and equality are the rightful possessions of every human being. So Hicks's potted history seems to me to underscore the opposite of what he infers from it, namely, the enduring power of perennial principles as these are refracted through particular traditions, principles that can be realised only in the context of a stable and fine-grained social order.

It is a longstanding caricature of conservatism that it treats traditions as intrinsically valuable. But that overlooks the pragmatism of the conservative outlook, a pragmatism that resists liberalism's utopian conviction that once tradition and order are eliminated, a world of perfect freedom and equality will emerge. On the conservative view, traditions, like freedom, are instruments that are valuable only to the extent that they facilitate collective flourishing and consolidate social

² G. K. Chesterton, *Orthodoxy* (New York: John Lane Company, 1908), p. 48.

unity. Conservatives take traditions seriously only because they recognise that they distil subtle answers to questions that are central to the human condition. That is not only a rational presumption, but one based on the bitter and bloody experience of attempts—typically undertaken in the name of freedom—to replace the finely tuned coordination mechanisms of custom and convention with grand coercive schemes that turn out to be far less equitable than what they overturned.

In the final analysis, the value that liberalism invests in individual freedom is arbitrary. It is arbitrary in the sense that it attributes significance to the mere exercise of *arbitrium* (“decision”) while remaining neutral on the moral status of the motive or consequences of the ways in which it is exercised. To do otherwise would be to take a stand on the meaning of the good and the right, but for the liberal that would contradict the freedom of every person to settle those questions privately. Hicks is right to conclude his final contribution to our exchanges by recognising the power of free societies to address the many and various challenges that confront us. But no society can be free if its members are free to do as they please. The freedom of a free society is the shared inheritance and achievement of a people, not the bare accumulation of options available to its individual members. Until liberalism rids itself of that fatal confusion, the civilisation that elevated freedom above all else will continue to watch it seep slowly away.