

Round Two: A Liberal Critique of Conservatism

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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?