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A Study of Classical and Modern Conservatism: The Political Thought of Edmund Burke and Michale Oakeshott

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A STUDY OF CLASSICAL AND MODERN CONSERVATISM
The Political Thought of Edmund Burke and Michael Oakeshott

A Thesis
Presented to
The Faculty of the Department of Government
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

by
D.R.M. Melding
1989

APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of

Master of Arts

David Robert Michael Melding

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Approved, May 1989

John P. Schwab
Clyde M. Clemens
Paul Bluff

TO MY MOTHER AND FATHER

Ever since I left home I have read many books and learned many things that you could not have taught me. But what I learned from you remains the most precious and important, and it sustains and gives life to the many other things I learned later in so many years of study and teaching.

Angelo Giuseppe Roncalli

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ABSTRACT

The subject of this study is the thought of Edmund Burke and Michael Oakeshott whose theories are taken to be the most articulate examples of classical and modern conservatism.

It is a study within conservatism: their thought is examined and criticised by evaluating how it effects the overall coherence of conservatism; it is certainly not the purpose of this inquiry to establish the absolute validity of the theories of either Burke or Oakeshott.

Where this coherence is found inadequate suggestions are made to strengthen, in the authors view, the conservative case. It is concluded that conservatism is based on a desire to utilise tradition: but this does not mean that conservatism is an alternative to political ideologies. Conservatism is itself an ideology and takes as its task the critical appraisal of tradition.

It is argued that the first principle of conservatism ought to be the rejection of absolute knowledge, and not the denial of the proper powers of human reason. As no political theory can claim absolute validity, society should be open to all ideas that are prepared to altercate under the rule of law. In this way the richness of tradition is allowed full expression and consequently society, and conservatism, is given greater coherence.

A STUDY OF CLASSICAL AND MODERN CONSERVATISM

The Political Thought of Edmund Burke and Michael Oakeshott

That thou mayst rightly obey Power, her bounds know;
Those passed, her nature and name's changed; to be
Then humble to her is idolatry.

John Donne
Seek True Religion

Introduction

If one had no purpose other than the reverence of language, the thought of Edmund Burke and Michael Oakeshott is a rewarding subject indeed. It is utterly appropriate that their love of tradition in Britain should find expression, in part, in emotive language. Yet this is not the whole; Burke and Oakeshott also incarnate the spirit of British conservatism on the two occasions it has been most articulate. They have no equal.

The primary motivation for the conservatism of Burke and Oakeshott - and indeed for all conservatism properly conceived - is found in the rejection of absolutism. In Burke's time the spectre was the radicalism of the French revolution; for Oakeshott the great 'isms' of this century, particularly communism and fascism, are the enemy. In repudiating absolutism Burke and Oakeshott deepened their reverence for the British constitution and the tradition it embodies. A number of ramifications stem from this, with the conception of human reason, and hence man's ability to shape his own world, being the most important. Burke held the classical view of reason and choose to emphasise even more strongly than was perhaps required the limitations on human

conduct. Oakeshott's philosophical position, in contrast, initially appears more pregnant with optimism; but as will be seen the practical issue is deeply sceptical.

The deep sense of scepticism in the thought of Burke and Oakeshott presents certain dangers. How can man critically perceive and evaluate his tradition if his cognitive powers are so weak? Is tradition dependent on man or is it instead autogenous and merely awaiting objective discovery? As man's critical powers are questioned a belief in disposition - as a primary mover - emerges in the thought of Burke and Oakeshott. The practical effect of this is a profound satisfaction in the British constitution. As far as Burke and Oakeshott are concerned, in Britain a conservative can glory in his given tradition; consequently, it must be inferred that there is little worth in proselytising this glory if it cannot be sustained by positive experience. Conservatism does not travel well: it teaches only by positive examples. Therefore, if freedom does not exist imminently in a society it cannot simply be imposed. It can be argued that this scepticism is mitigated in the thought of Burke by a belief in natural law. If the law of morality is universal it is possible to argue that certain forms of political behaviour may also be catholic insofar as they reflect this order. Not so with Oakeshott, his is an unchecked scepticism and he denies the existence of universal natural law.

These are some of the major points of contention to be examined. Simply, the core of this thesis is the belief that Burke and Oakeshott cannot be seen as the Alpha and Omega of conservatism. One is required to search for greater coherence. Crucially, the rejection of absolute

knowledge must not lead - if conservatism is to be coherent - to the emergence instead of an absolute tradition. Man's reverence of tradition - or more accurately the reverence of his traditions - should not require an arrest in his consciousness but stimulate its further development. The received view that conservatism is a disposition (and hence unique as a political theory) must be rejected. Conservatism is an ideology - it must see itself as such. Moving on, the rejection of absolutism, if conservatism is to be coherent, should entail the need for a society where all ideas altercate in a 'free market' under the rule of law. In this way various traditions can, in a pluralistic society, join together and create a new fabric, a tradition which is diverse and yet unified - a new allotropy.

The Sensual and the Dark rebel in vain,
Slaves by their own compulsion! In mad game
They burst their manacles and wear the name
of Freedom, graven on a heavier chain!

Samuel Taylor Coleridge
France: An Ode

CHAPTER 1

THE CONSERVATISM OF EDMUND BURKE.

Before an examination of Edmund Burke's political thought is attempted, it must be stated that his position as the frequently acclaimed father of conservatism is in some respects remarkable. Burke was, for much of his life, primarily a practical politician. Although this has not made his thought ephemeral, the fact that he was a Whig, and not a Tory, inevitably causes initial confusion. Further peculiarities soon manifest themselves. Burke, despite being a member of parliament between 1760 and 1795, was never a comfortable establishment figure (his Irish, middle class ancestry saw to that). As a result Burke was excluded from holding high office; he only ever held the relatively minor position of Paymaster General, and then only for a short time. Far from being left with an image of a complacent, privileged and contented person, we in fact see an angry - often embittered - man who was on occasions dangerously outspoken.

However, it is not inappropriate to consider Burke one of the founders of conservatism. Burke's thought, while largely a

reaction to specific questions of the day, can still be viewed as a coherent whole. It is the underlying current of his thought which has been taken to represent the classical conservative attitude. Moreover, in reacting to that climacteric event, the French revolution, Burke produced a theory that transcends time. Although it was random chance which placed Burke in that historic moment, it was his own skill that allowed him to speak with enduring eloquence.

Burke's work can be usefully examined in relation to the debate he engaged in with the French rationalists; in his consideration of natural law and human rights; and finally in relation to the general justifications he offered for his theories.

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It is important to realise at the outset precisely what Burke is attacking when he attempts to refute the rationalism of the French revolutionaries. If we assume that Burke is attacking reason per se, in the sense that we understand reason to constitute man's reflective powers and mental judgement, he will be identified with the philosophic position of Hume. According to Hume men do not possess innate ideas and so everything contained within the mind is merely the result of sense-experience. Thus there is no knowledge other than that derived from sense-experiences. Further, for Hume, man does not even possess reflective knowledge gained from the examination of experience. Rather, man possesses only a collection of impressions which come via the senses (though the five windows of the soul, to use the phrase of St. Thomas Aquinas). Man's motivation, ergo, comes not from mental cognition (which given Hume's theory of knowledge is clearly

impossible) but from emotion. This is obviously an extreme position, but it is one which rebuts the theories of the rationalists and therefore must be considered. No, Burke was not an empirical sceptic: rather, he shared the classical view of Aristotle and, more particularly, Aquinas. The basis of knowledge is indeed experience, and the source of experience is found in the senses. However, while man is not thought to possess innate knowledge, he is considered capable of reflective reason. Reflective reason, of course, is simply the examination of sense-experience. Nevertheless, one must note that reflective reason is always secondary and can never stand independent of sense-experience. This point will be further discussed later, but for now the connection between Aquinas and Burke must be emphasised. If we see Burke in the classical tradition much confusion will be avoided when we analyse his position on natural law and natural rights. Now we can examine the eighteenth century revolutionary doctrine of human reason.

Burke's critique of reason is actually a particular critique of individual and abstract reason. What he challenged was the revolutionary notion that man was capable of perceiving, without reference to tradition and the experience it contains, the best, indeed perfect, political order. The revolutionaries denied that tradition is one of the necessary sources of experience from which political knowledge is formed. Alternatively, they postulated the quasi-scientific view that there existed perfect political forms (such as forms of democracy, government and equality) which could be discovered by an uncorrupted reason. Given this doctrine, it is obvious that the

individual by himself--if he is not corrupted -- can gain access to the infallible covenant of true knowledge. The individual owes nothing to the genestic forces of society and its traditions, indeed he has to free himself from any social constraint to rely totally on reason. Thus, the revolutionary doctrine of reason was both individual and abstract: individual as each person could independently acquire this knowledge; abstract as this mental process did not need traditional social guidance. Yet, in his opposition, Burke did not deny a role for reason - but reason had to be properly understood. Right reason, for Burke, is a sort of communal reason which is reflected in society and its institutions throughout the ages. It is, then, a collective reason and is to be considered an historical process. Inevitably this makes reason a concept which is beyond the total grasp of a mere individual. As Burke wrote when discussing the art of politics:

The science of government, being therefore so practical in itself, and intended for such practical purposes, is a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be. 1

Individual reason, that knowledge formed as a result of personal reflection, is connected to traditional experience. Descartes dictum 'Cogito, ergo sum' is erroneous: it should be replaced with 'we are, therefore we think'. This does not mean that reflective knowledge is effectively emasculated: when traditional experience is examined it does not have to be slavishly reaffirmed in every detail. Man can analyse his tradition and propose certain changes; what he

cannot do, without falling into error, is fail to acknowledge tradition because it does not conform to his personal and abstract reflections. To do so would be irrational as our communal knowledge would be destroyed. It is in this sense that reflective reason is limited. As Burke observed:

The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it always acts right. 2

Burke insisted that far from acting with rational deliberation, the revolutionaries when they "abstracted" reason obviate proper reason and relied totally on man's incomplete reflective knowledge. As a result the revolutionaries made reflective reason a primary and independent entity - this at once involved them in a logical impossibility, in Burke's classical view, and the void was filled by human vices and passions (the ersatz replacements of traditional knowledge). In other words, in trying to break away from traditional experience the revolutionaries become motivated by the dark side of man's nature and tradition - they were thrown back to brute anarchy.

So in attacking the abstract reason of the revolutionaries, Burke did not deny the existence of reason. As he stated:

I do not vilify theory and speculation - no, because that would be to vilify reason itself. No; whenever I speak against theory, I always mean a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men- does it suit his nature in general?- does it suit his nature as modified by his habits? 3

Speculation, for Burke, was not an independent absolute: it was useful only when taken to be a component within the totality of knowledge. Again, in the above quotation, Burke denies that abstract reason is in fact rational. Instead, he sees the claims to abstract reason as being based on passion and egotistic will. According to Burke, without the suppression of egotistic will man was not capable of civilised conduct. Thus the revolutionaries, far from creating perfect order, threatened to send man back to some form of brute nature. True or right reason really relates to man's very being, his intrinsic prejudice. Burke strongly argued this point in his Reflections:

You see, Sir, that in this enlightened age I am bold enough to confess that we are generally men of untaught feelings, that, instead of casting away all our old prejudices, we cherish them because they are prejudices; and the longer they have lasted and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each on his own private stock of reason, because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves to the general bank and capital of nations and of ages. 4

We must be very careful here to understand Burke correctly. Prejudice did not mean for Burke a mindless bias. Rather, prejudice is that disposition within man which leads him to value tradition and regard the experience it contains as precious. It is the acceptance by man of his place in an historical process. To put it another way: prejudice is the desire to use the capital in the bank of ages. To say that men are generally of untaught feelings, is to say that men are inclined to view this capital as being beneficial. In thinking that the longer our prejudices have prevailed the more we cherish them, we

maintain that the tested principles of civil conduct probably hold good due to their relevance, even in the face of changing circumstances. Ergo, our reflective reason should not be aimed at destroying the inherited gift of tradition, rather it should analyse what we feel from prejudice to be good: in this way reflective reason can identify those factors which are most beneficial to our civilisation. Man is called to sublimate his given nature, it is arrant idolatry to attempt the impossible and try to create an altogether new and independent nature. Burke's theory of reason is both dependent and deferent: dependent on the historical process and deferent in emphasising man's given, and limited, nature.

There is, then, a basic dichotomy between primary reason which is the result of experience and tradition, and secondary reason, which is human and reflective. The latter, Burke thought, is weaker than the former: nevertheless, both are opposite sides of the same coin and cannot be separated without destroying the whole entity we call reason. This view led Burke to refute a fundamental premise held by Locke that man was, when born, a clean slate upon which anything could be written. Burke saw man as the inheritor of a complex historical tradition which was to a great extent the manifestation of human reason itself. Given this, man should realise the humility of his situation and treat his environment with respectful reverence. Yet Burke did not simply support the status quo; society must evolve and adapt to change, as he argued: "A state without the means of some change is without the means of its conservation."⁵ Right reason, if applied, uses the experience found in tradition to

ensure that society evolves coherently - it invests the capital from the bank of the ages. Thus many broad social principles remain even if their application alters as society adapts to meet new situations. Obviously, right reason has to be reliable if it is to enable such development. We can infer, therefore, that Burke trusted right reason in so far as it could interpret the lessons of history, see their validity, and then apply and revise them in the future.

Burke made a vital distinction between speculative reason and practical reason. This bifurcation, found also in the thought of Aristotle and Aquinas, sees speculative reason as not involving man's free will but merely relating to the fixed physical order of the universe. Practical reason, whilst operating within the given moral order, does utilise man's free will, especially when applied to practical circumstances. Political reason, for Burke, ought to be directed at political action: thus it should be practical and not speculative. As far as Burke was concerned: "Political problems do not primarily concern truth or falsehood. They relate to good or evil." This is undoubtedly the language of Aquinas who argued that we can distinguish between ends and means. Roughly speaking, ends are speculative and means practical. Now in the political sphere there are very few ends which follow from natural law, but one of them is unquestionably the right to just government. However, despite the likes of Aquinas and Burke agreeing on this desirable end, there is a problem concerning the means to this end- simply, there may be a number of ways to achieve good government. To both Aquinas and Burke, none of

these differing means would be preferable in the absolute moral sense. However, certainly for Burke, the precise choice of means depends on the actual demands of a particular circumstance. For example, to say that something is "true", in most aspects of politics, is meaningless as situations will differ so much in time and place that a definite "true" way to approach a problem will not exist. As this is the case, the statesman should not be troubled with a goal in its abstract perfection, but rather in its practical achievement. In reality this may require certain compromises, but as Burke put it: "An imperfect good is still a good."⁷ We can illustrate this point by referring to the institution of monarchy. To ask whether monarchy is "true" is futile; one should ask- does monarchy work, that is, does it produce good government? The answer is never likely to be universal because the institution of monarchy operates differently in various societies.

An important companion to reason, in Burke's thought, is prudence. Principles, as perceived by reason, are not enough to dictate action in every case (as we distinguish between means and ends). As Burke remarked: "The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence."⁸ What does this really mean? As adumbrated above, Burke's conception of human reason is a limited one. Burke admits that reflective reason is capable of perceiving certain ends (such as just government); however, just government cannot merely be

implemented in an ideal and abstract sense (as the revolutionaries thought). To complete our political judgement, we must turn to prudence: and prudence is another name for history and the experience it contains. To illustrate: someone may assert that the principle of just government can only be secured in practice by an absolute monarchy. Burke, in reply, would agree that our reason does indeed perceive the intrinsic virtue of just government, but the institution of absolute monarchy is only a means to this end and can thus be examined separately. And in examining the efficacy of absolute monarchy in our own tradition, for example, we find the excesses of James II. Prudence, then, constitutes our practical judgement founded completely in past experience. Statesmen, as a result, must seek to interpret thoroughly the situations they find themselves in and ask whether certain actions are practically justified. As we have noted in this case, prudence offers a statesman a reliable guide, for "the rules of prudence, which are formed upon the known march of the providence of God" serve as excellent indicators. This phrase reflects Burke's view that the state is ordained by God and that we can rely on His providence so long as we are open to it: that is, as long as we are prepared to humbly apply "right reason". As we have seen, history and tradition, for Burke, are components of reason; unlike many of his contemporaries he did not see tradition as a negative force keeping man in a condition of superstitious servitude. So strong is this feeling in Burke, that some, such as Leo Strauss, have seen him as a forerunner of Hegelian historicism. This, however, over-emphasises the point: Burke did not see history progressing to an

absolute moment, as did Rousseau; and he did not regard tradition as a supreme precedent in the legal sense. To have done so would have been to view tradition as the whole of knowledge.

This brings us to a cardinal point of interpretation. Some thinkers have argued that Burke revered tradition just because it was old. Harold Laski stated that Burke was 'a utilitarian who was convinced that what was old was valuable by the mere fact of its arrival at maturity.'¹⁰ It is true that Burke's initial position was one of trusting tradition until the case for change had been proven. Burke's position was not that tradition is absolutely good in the moral sense. History and tradition teach us good and bad lessons: if this were not the case Burke would have to approve of everything that is contained in historical experience.

It should also be noted that some have seen Burke's views on prudence as an elaborate excuse for crass pragmatism. Such an argument is answered aptly in Burke's own words, they also sum up his ideas about prudence very well:

I never govern myself, no rational man ever did govern himself, by abstractions and universals. I do not put abstract ideas wholly out of any question; because I well know that under that name I should dismiss principles, and that without the guide and light of sound, well-understood principles, all reasoning in politics as in everything else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion....Circumstances are infinite, are infinitely combined, are variable and transient; he who does not take them into consideration is not erroneous, but stark mad; he is metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment, he may ruin his country forever. 11

We cannot see Burke as a relativist who held that no objective principles govern political conduct. What Burke did say is that such principles are very few, yet their modes of application very many. Therefore, we must learn, via experience, the subtle nuances of our own circumstance. On a slightly different tack, prudence, in Burke's eyes, is necessary to give practical expression to higher principles. This is important, for Burke definitely saw prudence working within a given moral order; and the architect of this order is God. Furthermore, man is rational in so far as he is able to perceive this moral order. Indeed it is a part of his very nature to do so: it was "the will of Him, who gave us our nature, and in giving impressed
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 as invariable Law upon it". This law is "that eternal law, in which
 13
 will and reason are the same". If this were not the case, as the sceptics argued, no rational society could be established:

Not contented with showing, what is but too evident, the narrowness and imbecillity of the human understanding, they (the sceptics) have denied that it is all calculated for the discovery and comprehension of truth; or, what amounts to the same, that no fixed order existed in the world, so corresponding to our ideas, as to afford the least ground for certainty in any thing....It is evident that if such an opinion should prevail, the pursuit of knowledge, both in the design and the end, must be the greatest folly....It is evident too, that morality must share the fate of knowledge, and every duty of life become precarious, if it be impossible for us to know that we are bound to any duties, or that the relations which give rise to them have any real existence. 14

A couple of points need to be elaborated upon. First, Burke refutes the sceptics (and particularly Hume's) claim that sense-experience cannot give objective knowledge of an external world. Secondly, and more importantly, Burke follows Aquinas in saying that our knowledge- and it is knowledge despite the cavils of the sceptics-

is based in sense-experience, but man also has a definite nature. This nature does not constitute- indeed cannot constitute-innate ideas, but it does give man a spiritual telos. This telos, derived from God, drives man to improve his being and attempt to achieve perfection. This is done- bluntly- by doing good and avoiding evil. Man is born, then, with the potentiality of perceiving good and evil: this potentiality is realised in the judgements man makes in the world of sense-experience. * Man's will, it follows, is to do good for this is his telos. Of course, man will not always do good, but when he does not he is acting irrationally as he is demeaning his being. Thus, as Burke remarks above, "will and reason are the same".

Burke regarded man as a religious animal who could rationally perceive at least part of God's ordained order. As he stated: "We know, and it is our pride to know, that man is by his constitution a religious animal; that atheism is against not only reason, but our instincts; and that it cannot prevail long." 15 Remembering that atheism and scepticism go hand in hand, Burke manifestly aligns himself with the classical position of Aquinas: man has an intrinsic motivation to do good and is able to perceive good and evil; yet he must rely for practical judgement upon tradition as this represents his sense-data.

* However, this inner light, which constitutes man's telos in Christian theology, is a seed not a citadel. It has to be nurtured within our social tradition. The revolutionaries are guilty of idolatry when they argue that this inner light allows man to step completely outside his tradition. It is possible to extinguish this light: in Dante's conception of Hell, for instance, the damned choose their lot as they no longer have the capability of desiring God.

Those who argue that Burke's notion of prudence is just a subterfuge for practical utilitarianism are at a loss to explain away his devotion to revealed religion (unless they smugly question the sincerity of it). Burke time and time again referred to a higher universal order binding mankind. "All human laws" Burke wrote "are properly speaking only declaratory; they alter the mode and application, but have no power over the substance of original justice."¹⁶ Prudence, we can see, does not give man a high sounding excuse to abrogate the moral order, merely a means to work effectively within it.

However, this moral framework does not provide man with precise answers to the practical problems he faces. Its function is far more subtle than that, as Burke acknowledged:

There are some fundamental points in which nature never changes- but they are few and obvious, and belong rather to morals than to politics. But so far as regards political matters, the human mind and human affairs are susceptible to infinite modifications, and of combinations wholly new and unlooked for.¹⁷

Burke argued, like Aquinas, that there are only a few ultimate principles governing politics. One of them, as we have remarked, is just government. The difficulty lies not in perceiving this end, but in putting it into practice. It is in doing the latter that we must pay so much attention to varying circumstances. Burke's critics have generally focused on the secondary element of his thought as it relates to law and politics. Certainly Burke, in this sphere, emphasised the consideration of practical circumstances but he acknowledged - indeed celebrated - the fact that there was also a higher universal realm under which all politics is conducted. To say there

may be many practical ways to approach a problem is not to say also that the chosen means cannot then be judged by a moral criteria.

In fine, Burke saw the principles of human reason, prudence, and a higher moral order, all working together like a mystical trinity (that is: they are all different bodies of the same substance).

Natural law- the moral order- whilst existing, does not serve as a covenant to solve all the great and complex questions which manifest themselves in the practical affairs of man. Ergo, prudence itself becomes a moral end: "God forbid" wrote Burke "that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of vice." As a moral end, despite this, it does not allow for the unlimited choice of means for "There are ways and means, by which a good man would not even save the commonwealth."

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We can now examine the way in which Burke reacted to the eighteenth century doctrine of natural rights, particularly as expressed in France. We will see how Burke's spirited condemnation of this theory did not contradict the overall structure of his political philosophy. Indeed Burke never sought to refute the doctrine of natural law and true natural rights.

* In traditional Christian theology virtues are split into divine and human categories: the human virtues are prudence, justice, temperance and fortitude; the divine virtues, of course, are faith, hope and charity. Human virtues have to be practised to reflect the light of divine virtues. That Burke chooses to use this imagery further strengthens the case to consider him in the mainstream Christian tradition.

For Burke the French Revolution merely articulated an abstract rights doctrine. It represented a kind of moral absolutism, and one created by human vice. By its nature, it did not acquiesce to a higher morality and the rights and duties that would follow. Instead, it turned inward and argued that man has rights intrinsically based in his nature. Thus, it was a truly secular view: man had the ability to perceive his own rights and did not need the assistance of tradition and the experience it contains. The theory was also uniform as the revolutionaries thought that the rights perceived by an uncorrupted reason were akin to objective scientific discoveries. It is for this reason that Burke called the revolutionaries absolutists; they held that there did indeed exist perfect political knowledge. Absolute principles, thought Burke, are very dangerous, for:

These metaphysical rights entering into common life, like rays of light which pierce into a dense medium, are by the laws of nature refracted from their straight line. Indeed, in the gross and complicated mass of human passions and concerns the primitive rights of men undergo such a variety of refractions and reflections that it becomes absurd to talk of them as if they continued in the simplicity of their original direction. The nature of man is intricate; the objects of society are of the greatest possible complexity; and, therefore, no simple disposition or direction of power can be suitable either to man's nature or to the quality of his affairs. When I hear the simplicity of contrivance aimed at and boasted of in any new political constitutions, I am at no loss to decide that the artifices are grossly ignorant of their trade or totally negligent of their duty. 20

The French radicals, Burke maintained, promoted a contrived theory of reason which affected a dismissive attitude towards the many complexities inherent in any society. Theirs was a sham reason. More importantly, this error did not merely make the French radicals

impotent eccentrics for they argued that those who disagreed with their theories were blinded by the corruption of the ancien regime. This gave them a proselytising zeal: it was considered morally permissible to coercively impose liberation on the unenlightened and thus force them to be free. Burke thought that this destroyed the individual as an equal and sovereign being:

This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature. Without opening one new avenue to the understanding, many have succeeded in stopping up those that lead to the heart. They have perverted in themselves, and in those that attend them, all the well-placed sympathies of the human heart. 21

It is essential to clearly understand what Burke is attacking here. He criticises the revolutionary natural rights doctrine and the natural law theory upon which it was based. For him it was not founded on any permanent principles, and was therefore separated from such rebellions as the Glorious Revolution of 1688 and the American Revolution of 1776. These revolutions had been based on principles already fully elucidated by prudence. They were necessary, then, to preserve the rights which were clearly due to man, and proven by the process of history. Remarking on the Glorious Revolution, Burke said: "The Revolution was made to preserve our ancient, indisputable laws and liberties and that ancient constitution of government which is our only security for law and liberty." 22 Similarly, Burke saw the American Revolution as trying to establish the rights which were due to the descendants of Englishmen. These rebellions, then, in no way sought to deny historical experience; rather they reaffirmed it.

Thus Burke never attacked the whole body of natural law, just a modern development he regarded as spurious. This fact allows us to reconcile what some have argued are contradictory positions on these revolutions. It also allows us, when we examine the body of principles which constituted the French Revolution, to fully understand Burke's criticism of eighteenth century radicalism.

One of the central precepts of the French Revolution was the contract theory of government. It was held that man freely entered into a civil society, at least hypothetically, and formed a contract to create a government. Thus, the basic principle of government is the legitimacy it receives from the people via this notion of consent. If the people originally gave legitimacy to a government, they could also subsequently revoke that legitimacy. So the revolutionaries argued that the people had a natural right to create and dissolve governments as they pleased. Burke did not think that society and government was at all voluntary, and he suspected that the revolutionaries would also deny this principle once they were established in power. However, Burke did not completely deny the theory of a societal contract. He remarked in his Reflections that:

Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure- but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico, or tobacco, or some other such low concern, to be taken up for a temporary interest, and to be dissolved by the fancies of the parties. It is to be looked upon with other reverence, because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership between those who are living, those who are dead, and those who are to be born. 23

Burke argues here that one cannot question a contract without threatening civilised society itself. The state is a complete partnership covering all modes of human activity- if people seek to dissolve the contract and start afresh, they put all that society stands for in jeopardy. Consequently, Burke thought that the only rational way to eradicate most shortcomings is by careful reform. Burke also denied, on moral and expedient grounds, that the people had a right to capriciously annul the societal contract: no government could function under such circumstances. The societal contract, in Burke's opinion, is simultaneously between generations, between man and government, and between man and God. The state, in this contract, also has rights, particularly the right against capricious dissolution. Furthermore, the state is not established by man, but is developed as a part of God's cosmic contract with creation. So Burke denied the central principle of radicalism which held that a state's legitimacy was derived totally from the people. If men demand the sort of rights advocated by the revolutionaries, they subvert civilised society and their own true nature, as Burke argued: "By this unprincipled facility of changing the state as often, and as much, and as in as many ways as there are floating fancies or fashions, the whole chain and continuity of the commonwealth would be broken. No one generation would be like the other. Men would become little better than the flies of Summer."

Despite this, Burke did think that the people had an ultimate right to change the contract, but this right could only be justifiably exercised in extreme emergencies. The people would naturally know

when such an emergency existed, as Burke put it: "What I have always thought of the matter is this- that the most poor, illiterate, and uninformed creatures upon earth are judges of a practical oppression." In other words, the people would instinctively know when a government truly does breach the basic principles of natural justice. However, this situation did not exist in France: there the passions of the people were being wickedly manipulated.

As we have seen, Burke did not regard the state as a mere historical accident, not even one improved by the rationalising process of history. No, the state is a divine gift; it is a moral entity which allows man his most high, free, and natural expression: that is, it helps him to live virtuously. On this point we can again turn to Burke's Reflections:

They conceive that He who gave our nature to be perfected by our virtue willed also the necessary means of its perfection: He willed the state- He willed its connection with the source and original archetype of all perfection. 26

Again Burke follows happily in the theoretical footsteps of Aquinas as he views the state as an essential part of the Divine Order. The state allows man to transcend some of his own limitations and progress to a higher virtue. The will to make this progression is a God given characteristic and part of man's very nature. The state and civil society, therefore, is man's natural environment; man is obligated to the state, as he is obligated to God. In Burke's thought, just as man is born into a family, so he is also born into a state; and just as parents have to be honoured, by God's command, so should the state be respectfully treated. Consequently, if

the state has any defects, men should approach them, and correct them, with deep affection and reverence.

One can well appreciate why Burke so much detested the French Revolution: it sought to bring down the ancien regime which, whilst flawed in some ways, manifested many of the virtues necessary for a truly civilised society. Thus, thought Burke, the French by their actions threatened their very civilised existence. Part of their folly stemmed from a belief in a state of nature, from which man's rights were extrapolated. However, Burke did not think that the state of so called nature was at all natural as it was by definition uncivilised and, therefore, not conducive to promoting man's virtue. Conversely, Burke thought that civil society was "a state of nature-²⁷ and much more truly so than a savage and incoherent mode of life." It was nonsense, then, to base human rights on such a condition. By arguing that civil society ought to honour the rights found in a state of nature, the revolutionaries were attempting to assert opposites. For this reason, their policies could be nothing but ruinous for France. Despite this, Burke never rejected a concept of rights altogether:

Far am I from denying in theory, full as far away in my heart from withholding in practice (if it were of power to give or withhold) the real rights of men. In denying their false claim of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy. If civil society be made for the advantage of man, all the advantages for which it is made become his right. 28

Burke thought that men legitimately had a right to live under the law; a right to the fruits of their own labours; a right to the

acquisitions of their parents; a right to provide for their children; and generally a right to things which did not trespass on the rights of others. He strenuously refuted the abstract rights claimed by the revolutionaries, especially those of equality, democracy and the right to "cashier" governments. Burke, whilst denying political equality, did adhere, of course, to a belief in a moral equality- an equality under God. He chastised the revolutionaries for seeking to pervert this principle in an attempt to embitter the common people. Happiness and personal fulfillment, for most people, ought to be pursued through a lowly mode of life. The problem of political participation was tackled by Burke in a similar way: the people did not have a specific right to cashier their governors; yet they were entitled to good government in the public interest. This again takes a religious significance as Burke describes Christianity as: "a religion which so much hates oppression, that when the God whom we adore appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people- and thereby made it a firm and ruling principle, that their welfare was the object of all government."²⁹ Good government is an essential tenet of natural law, as revealed by God.

Nevertheless, Government has to pursue the real public interest and not some ephemeral fancy. Sometimes this true interest will seem contrary to the transient desires of the people. For this reason Burke argued that "in this sense the restraints on men, as well as their liberties, are to be reckoned among their rights."³⁰ This may sound distinctly like forcing people to be free, but what Burke is

seeking here is a distinction between the higher aims of the state (in promoting man's eternal interest- his virtue) and the passing whims of the populace. The aristocracy as a class is best able to perform the function of good government as its interests are also the true interests of the state. Burke remarked: "A true natural aristocracy is not a separate interest in the state, or separate from it. It is an essential integrant part of any large body rightly constituted." ³¹ Proper rule by the aristocracy did not mean rule by a privileged class, as Burke asserts: "You do not imagine that I wish to confine power, authority, and its distinctions to blood and names and titles. No, Sir. There is no qualification for government but virtue and wisdom, actual or presumptive." ³² Not surprisingly, Burke was opposed to parliamentary reform: given influence, the common people are likely to use capricious passion as a means of guidance, as they lack possession of the proper virtues required for good government. This would inevitably make any civilised state moribund. France represented a country so threatened. The natural, that is true, interests of the French people were not promoted by the revolution, it was a contrived event stimulated by wicked metaphysicians and ignorant politicians. Thus it could not be classed as a genuine and justifiable reaction to corrupt government.

The notion of a natural aristocracy led Burke to forsake any belief in majority rule. Democracy, Burke argued, would not lead to good government and would therefore be against natural law. Moreover, Burke thought that the revolutionary premise which justified democracy was utterly flawed. As we have noted, the revolutionaries

held that, to make any government legitimate, the people had to give their consent to the original societal contract; and subsequently it was their right to regularly hold their government to account. Burke argued, to the contrary, that until man lived in a civilised condition no entity called the "people" could exist. Manifestly, as a result, claims to rights for the people based on this pre-social condition were spurious. If the people abolished the state, and with it society, Burke believed that they would also abolish themselves. Such action was obviously irrational.

In his opposition to the French Revolution Burke is attacking a particular type of natural law theory. Freedom, for Burke, was a guiding principle, but it was a moral and qualified freedom. The French, in establishing an abstract "freedom" had not made the people genuinely free. As he remarked:

But what is liberty without wisdom and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness, without tuition or restraint....To make a government requires no great prudence. Settle the seat of power, teach obedience, and the work is done. To give freedom is more easy. It is not necessary to guide; it only requires to let go the rein. But to form a free government, that is, to temper together those opposite elements of liberty and restraint in one consistent work, requires much thought, deep reflection, a sagacious, powerful, and combining mind. This I do not find in those who take the lead in the National Assembly. 33

The French in over-estimating the capability of human reason had only succeeded in perverting it. Their theories merely established a contrived political system, one which abrogated the moral constraints placed on man. This authoritative void, Burke the seer predicted, would probably be filled by an emerging military leader:

....But the moment in which that event shall happen, the person who really commands the army is your master- the master of your King, the master of your Assembly, the master of your whole republic.³⁴

IV

We can now reflect on the transcendental nature of Burke's general philosophical position and expunge any lingering temptation to regard Burke as a pragmatic utilitarian. Burke is firmly in the classical school of Aquinas, and much of his criticism of eighteenth century radicalism is a direct result of this. Whilst admitting that we gain experience through the senses, and political experience through tradition, Burke does see- like Aquinas- a place for reflective or human reason. Nevertheless, this reflective reason is not independent from the rest of our experience; rather, it is an integral part of that whole we call reason. It is by cutting off human reason from the rest of our communal reason, and thus making it absolute and sovereign, that the revolutionaries commit the cardinal error which makes their theories moribund. Essentially, for Burke, man's reflective powers enable him to work effectively within tradition; and the tradition Burke was talking of is the Christian tradition of Europe. In this tradition, the state is ordained by God for the promotion of man's virtue. Here are Burke's transcendental roots: he could not accept the utterly secular notion that man's reflective reason made him totally independent and able to perceive his nature and rights in relation to nothing but himself. Burke saw man as dependent on God and on tradition.

If man was independent and sovereign, it was inevitable that the revolutionaries would also see the state, as man's creation, as independent and sovereign. This was anathema to Burke: the state was within the moral order ordained by God. Thus it was manifestly limited and subservient. Because the state is willed by God, its primary justification owed nothing directly to man. However, the state does not take on a supra-human role which allows it to subjugate the people totally. Whilst it is true that the state is owed, as a moral obligation, allegiance, it is also true that the people are permitted—even required—to oppose evil government. As Burke states, the people are competent judges of oppression. Furthermore, if the state ceases to manifest the moral order to which it is bound, it ceases to be civilised and the people are released from any obligation they had to it.

It is obvious that the state cannot pass any law it pleases. Speaking about the Popery laws, which deprived Irish catholics of the rights enjoyed by protestants, Burke argued: "They have no right to make a law prejudicial to the whole community...because it would be against the principle of a superior law, which is not in the power of any community, or the whole race of man, to alter." ³⁵ Burke reiterated his criticism of the notion that a commonwealth can create law as it pleases:

It would be hard to point out any error more subversive of all the order and beauty, of all the peace and happiness, of human society than the position that any body of men have a right to make what laws they please; or that laws can derive any authority from their institution merely and independent of the subject matter. 36

Later, in the same passage, Burke argued that such an evil creed, as advocated most notably by Hobbes, is not only unworthy of a philosopher, but of an illiterate peasant as well. Burke's most famous and eloquent references to natural law come in his attacks on Warren Hastings, a former governor of India. The idea that the laws of morality, in their primary form, were not universal was particularly repugnant to Burke:

This gentleman (Hastings) has formed a geographical morality, by which the duties of men in public and private situations are not to be governed by their relation to the great Governor of the universe, but by climates. After you have crossed the equinoxial line, all the virtues die.... Against this geographical morality I do protest, and declare therefore, that Mr Hastings shall not screen himself under it, because....the laws of morality are the same everywhere; and actions that are stamped with the character of speculation, extortion, oppression, and barbarity in England, are so in Asia, and the world over. 37

Burke cannot be seen, in my opinion, as a utilitarian who denied the rules of morality. Confusion arises from Burke's precise interpretation of true natural law theory-- particularly as this stands out in stark contrast to the more common eighteenth century doctrine of revolutionary natural rights and the peculiar notion of natural law which went with it. In this respect, Burke returns to a classical view of natural law and leads the intellectual revolt against the "age of reason". For Burke the appearance or mode of application of natural law may change, but not the main body of primary principles. It was this fact that gave natural law its dynamism and efficacy--it was not a purely static phenomenon, as it was for the French revolutionaries. Nevertheless, the basic tenets of natural law are universal and constitute the guiding force in the legal traditions the world over.

Thus, the likes of Hastings could not escape the sanction of law:

Mr Hastings has no refuge- let him run from law to law; let him fly from common law; and the sacred institutions of the country in which he was born; let him fly from acts of parliament....still the Mohammedan law condemns him...let him fly where he will- from law to law-,law thank God, meets him everywhere- arbitrary power cannot secure him against law; and I would as soon have tried him on the Koran, or any other eastern code of laws, as on the common law of this kingdom. 38

It is with Burke's theories on the nature of man's reason, the character of natural rights, and the essence of society and the state, that a coherent conservatism starts to emerge. Burke was the most conspicuous critic of the age of reason. He thought the notion of absolute knowledge, which established reason as an omnipotent sovereign, was repugnant. Instead Burke emphasised the importance of tradition and reiterated the inherent limitations on man's nature. He attacked the French revolutionaries for their contrived human rights doctrine and alternatively argued for a classical interpretation of natural law. The state, thought Burke, was a divine institution which allowed man to sublimate his basic nature and thus aspire to civilisation and greater virtue. The state does not merely exist fixed in one time and in one place: rather it links past, future and present generations. Finally, for Burke reverence and reform were appropriate to political conduct; revulsion and revolution were certainly not.

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4. Edmund Burke. Reflections on the Revolution in France. Bobbs-Merril 1955 (Sixteenth Edition 1983) p.99.
5. Ibid.,p.24.
6. Canavan.p.6.
7. Ibid., p.11.
8. Ibid., p.25.
9. Ibid., p.14.
10. Ibid., p.3.
11. Peter J. Stanlis. "A Preposterous Way of Reasoning: Frederick Dreyer's 'Edmund Burke: the Philosopher in Action'". Studies in Burke and His Time. Vol. XV 1973-4, p.267.
12. Canavan. p.14.
13. Ibid., p.21.
14. Ibid., p.20.
15. Burke. p.103.
16. Canavan. p.22.

17. Ibid., p.23.
18. Ibid., p.24.
19. Ibid., p.24.
20. Burke. p.70.
21. Ibid., p.74.
22. Ibid., p.35.
23. Ibid., p.110.
24. Ibid., p.108.
25. Charles Parkin. The Moral Basis of Burke's Political Thought. Russel and Russell 1956 (reissued 1968) p.39.
26. Burke. p.112.
27. Stanlis. Edmund Burke. p.206.
28. Burke p.67.
29. Alfred Cobban. Edmund Burke and the Revolt Against the Eighteenth Century. George Allen and Unwin 1929 (Second Edition 1960) p.47.
30. Burke. p.69.
31. Parkin. p.35.
32. Burke. p.57.
33. Ibid., p.289.

34. Ibid., p.258.

35. Stanlis., p.43.

36. Ibid., p.43.

37. Ibid., p.43.

38. Ibid., p.64.

The old laws of England - they
Whose reverend heads with age are gray,
Children of a wiser day,
And whose solemn voice
Thine own echo - Liberty!

P.B. Shelley
The Mask of Anarchy

CHAPTER 11

BURKE CRITICALLY EXAMINED

According to Burke, both tradition and reflective reason are properly seen as sources of knowledge: thus they can be regarded as opposite sides of the same coin we call 'knowledge' or 'reason'. They cannot be parted, therefore, without destroying the whole. Some thinkers have taken exception to this epistemology, arguing that it relegates man, via his deference to tradition, to a superstitious servitude. However, it must be stated that for man to be subjugated so totally to tradition he would have to see tradition as the whole of knowledge. This was not Burke's theoretical position, as we have seen in the previous chapter.

Nevertheless, two questions arise out of Burke's theory on the duality of knowledge. First, should tradition be given any position at all in the formulation of knowledge? Secondly, is Burke justified? Burke realised that it was this belief (rather than the general sham belief in the rationality of the whole of mankind) which represented the really insidious threat to society. The radicals acknowledged that

society, in holding the people in a corrupted servitude, conditioned human behaviour. The comparison here with Plato is obvious. Plato argued that the society he lived in was corrupt and had decayed from a previous ideal condition. He therefore argued that man had to go back to the original state of nature to perceive true ideal forms (perfect knowledge). This ideal society, then, is quite independent from contemporary society for a corrupt entity can never give one knowledge of an ideal form. However, Plato held that only the elite were capable of attaining such knowledge. The French revolutionaries agreed with this; and they also thought, like Plato, that an enormous emphasis must be placed on the subsequent establishment of a virtuous society (for it is only the virtuous society that can properly educate the masses). Thus societal forces are vitally important. Tradition becomes a reliable source of knowledge after the establishment of the ideal state.

Burke recognised the moral and political absolutism inherent in this radical theory. In turning to tradition, Burke not only became a realist (as he refuted the Platonic theory of ideal forms) but he also emphasised the limitations in man's nature: man could not be seen as a quasi-divine being. The second question is more difficult: does Burke strike an appropriate balance between traditional and reflective knowledge? If a theory errs too much towards tradition it is likely to become static and devoid of significant human input; alternatively, an undue reliance on reflection is likely to lead to an abstract and absolute theory. Burke, in my view, can be justifiably criticised for over emphasising tradition; this led to a sometimes

unsatisfactory practical application of his thought, especially in matters relating to the economy and to the role of the state.

In emphasising tradition, Burke manifestly placed great importance on the lessons we learn from historical experience. Now we must face the cardinal difficulty: for are these lessons uniformly perceived? Burke clearly thought that this was the case. However, what if someone interprets tradition differently? Burke's response was that this will not happen if right reason is applied. In other words, right reason is itself absolute. This seems to me to be dangerously close to the rationalist fallacy he so strongly refutes. Obviously there is no room for pluralism in this definition of right reason. I think that Burke adopted this abstract position because he viewed the British constitution as being close to perfection. Consequently, reflective reason had only to perceive the obvious. It is in this context that conservatism, and the conservatism of Burke in particular, has been criticised for being facile, self satisfied and static - interested merely in the preservation of the status quo. In my opinion the greatest difficulty is that Burke's position keeps human input to a minimum and the very creative consciousness of man is in danger of being arrested. The logical result of this is for conservatism to become a disposition and not a reasoned theory.

11

Perhaps the most interesting and critical interpretation of Burke's thought in recent times comes from C.B. Macpherson. This attack centres on the economic consequences of Burke's thought.

Macpherson claims that we can see Burke as a bourgeois liberal capitalist. He remarks: "There is no doubt that in everything he wrote and did, he venerated the traditional order. But his traditional order was already a capitalist order. He saw that it was so, and wished it to be more freely so." We saw, in the previous chapter, the rights which Burke thought due to individuals; and there is no doubt that these rights are, to use the modern idiom, negative as opposed to positive. For instance, Burke argued that there is a moral equality under God which binds mankind; thus the individual is to be respected. However, when we come to a notion such as an individuals labour, this right has scant practical value as Burke argues that: "Labour is a commodity like every other, and rises or falls according to the demand. This is the nature of things."

This "nature of things" is the general economic theory of Adam Smith. The economy, it is maintained, is governed by natural laws and if these laws are interfered with, disequilibrium and disaster follows. Thus Burke argued that it is the duty of governments:

....manifestly to resist the very first idea, speculative or practical, that it is within the competence of government, taken as government, or even of the rich, as rich, to supply to the poor, those necessaries which it has pleased the Divine Providence for a while to withhold from them. We, the people, ought to be sensible, that it is not in breaking the laws of commerce, which are the laws of nature, and consequently the laws of God, that we are to place our hope of softening the Divine displeasure to remove any calamity under which we suffer, or which hangs over us. 3

Burke, then, argued that no government should aim to amend the natural laws of commerce. But a government can try to facilitate the smooth functioning of these laws. It can help to establish the optimum economic environment. As Burke wrote:

Let government protect and encourage industry, secure property, repress violence, and discountenance fraud, it is all that they have to do. In other respects, the less they meddle in these affairs the better; the rest is in the hands of our Master and theirs. 4

Such a view, which asserts the impotence of government to beneficially alter the given economic order, seems very harsh to us today. After all, experience has shown us that there are many ways of regulating the economy in an effort to increase prosperity. Nevertheless, the view Burke adhered to was becoming orthodox in the late eighteenth century and must be judged in such a light. Theoretically, Burke is consistent in his views on the economy and on the character of human nature: he chooses to emphasise the concept of limitation. Radical action was not required because, just as Burke thought the constitution was ordained and nearly perfect, a definite 'natural' economic environment existed. Man should only ensure that things are kept in trim by occasional, careful reform. To be fair, we must also note that Burke thought that it was only through the expansion of the economy (via the accumulation of capital) that the poor would become materially better off. So Burke could still claim that the welfare of the poor is paramount in his political and economic thought. He may have been in error- it is my firm belief that he was- but his error may have been sincere.

Macpherson does not grant Burke such licence. For him, Burke was a pragmatist who would utilise any theoretical device to secure more safely the bourgeois order. This is a matter of interpretation, but we must remark that the industrial revolution which was beginning to grip Britain by the end of Burke's life was still well short of the

violence and exploitation it exhibited in the nineteenth century. Interestingly, the Romantic poets, who revered Burke, were passionately opposed to the inhumane excesses of industrialism. Burke, I think, was genuinely concerned about the welfare of the poor; what is undoubtedly the case, however, is that his conception of economic right is totally one-dimensional. Moreover, and perhaps more damaging, Burke's belief in divinely created economic laws inevitably strengthens the criticism that he placed an inordinate emphasis on tradition and the received order.

This minimalist economic theory does not compliment Burke's lofty, if undeveloped, notions about the function of the state. We have observed that Burke regarded the role of the state in human development as cardinal: the state exists to promote human virtue. This position seems to imply an active role for the state: for instance, Burke argued that it was the duty of the state to sometimes constrain individuals (indeed, the individual is entitled to such constraint by right). Nevertheless, when we view the state in economic terms its role is merely that of a night watchman; it does not promote virtue in any way other than by providing a specific legal structure for commercial transactions. Yet many would surely argue that without material security few human virtues can be nurtured. Ergo, this dichotomy in the role of the state is not only contradictory, it may well be mutually negating. It is certainly a dichotomy that has haunted conservatism to this day.

A related objection is Burke's assertion that the individual is entitled to the fruit of his own labour. This notion is found in the

thought of Locke; and like Locke, Burke applied this theory very weakly

For how do we determine what is a just return for labour?

To fall back, as Burke does, upon what the free market is prepared to give at a particular time implies that individuals are entitled to a return which may fluctuate mercurially. Surely this obviates any practical value attached to such a principle?

Finally, we can question whether the free market advocated by Burke had been prescribed by tradition. It would be convenient, after all, if we could excuse some of Burke's more austere economic theories as being solely the result of restricted experience. Alas, this bears little examination: in fact the British economy prior to the industrial revolution had been dominated by medieval guilds, state intervention (particularly in the granting of monopolies), and even by such notions as just prices. Again we can accuse Burke of committing the sin he found so damnable in the rationalists: he promulgates an abstraction. Consequently, Burke becomes an absolutist in his economic theorising: intervention, per se, is bad and counterproductive. Not surprisingly, Burke lost his usual eye for the nuance of practical circumstances. Indeed, in the following passage Burke seems to realise this:

.....in the case of the farmer and the labourer, their interests are always the same, and it is absolutely impossible that their free contracts can be onerous to either party. It is in the interest of the farmer, that the work should be done with effect and celerity: and that cannot be, unless the labourer is well fed, and otherwise found with such necessaries of animal life, according to his habitudes, as may keep the body in full force, and keep the mind gay and cheerful. 5

Such sentiments, regrettably, do not permeate the whole of Burke's economic thought. Instead, he often turns to a contrived free-market laissez faire theory which argues that the state cannot in any way help to secure the material sustenance of the populace by interfering with the fixed laws of commerce.

111

In his vitriolic attack against the rationalists, Burke falls back upon a basic Hobbesian assumption by arguing that society and government cannot be separated. Hobbes argued that the destruction of government resulted also in the destruction of society because without government man is thrown back into the pre-social condition of barbaric nature. Burke implicitly accepted this theory by accusing the rationalists of jeopardising all that society stands for by capriciously questioning the authority of government. Thus, the governmental contract, for Burke, is one of universal importance as it represents the defence of civilisation itself. Given that the stakes are so high when the authority of the state is challenged, it is not surprising that both Burke and Hobbes adopted a conservative presumption in favour of the legitimacy of government.

Of course, Locke had already challenged this theory before the rationalists came on the scene. Locke held that the concepts of government and society could be separated. Therefore, a government could be challenged without endangering the benefits inherent in social existence. According to Locke, the state of nature is pre-government, but not pre-social. Ergo, man enjoys a social existence from the dawn

of human time. Consequently, in challenging the authority of a government, and in attempting to change the constitution of the state, man's social character still remains intact. As a result, the stakes inherent in rebellion are far less absolute. In turn, man's attitude towards the state becomes less deferential and more inquisitive and demanding. Clearly, in siding with Hobbes, Burke again emphasised the constraints placed upon man: the role of tradition, in a negative sense, is once more strengthened. However, the Lockean view opens up altogether different possibilities. For example, it can be argued that the entity of a 'people' can be tied to man's basic social nature and not, as Burke insists, to the institution of government. It would then be a very small step to justify some of the democratic rights emphatically denied by Burke.

We can further examine, in this light, the role Burke gave to the state. To recapitulate, he argued that the state is a divine creation. It owes nothing to man as he can never aspire to any civilised conduct whilst still in the presocial state of nature. This denied man any real creative input, and Burke's theory of the state was in this sense a static and conservative one. Now, if we accept the Lockean premise that man is already in a social condition before the institution of government, the human role in the development of the state is inevitably increased. I do not suggest for a moment that man suddenly creates a government whilst still in a state of nature. This would require prior knowledge of the state, and this is clearly impossible. So in a sense the state does evolve spontaneously; but it does not evolve in a vacuum, independent of human requirements. Here

lies the rub, as we will see below, for it is to meet human requirements that the state exists: and man, the social animal, is well able to recognise his requirements. In denying such creative licence, Burke's theories lack a valuable existential character and are therefore one-dimensional. Again we see the error Burke so easily falls into: by stressing the limitations in man's power of reflective reasoning, he accorded too dominant a position to tradition. For this reason, Burke saw the state developing through a divinely inspired evolutionary process.

Sir Karl Popper has emphasised the danger which follows from such a lack of human input in the theory of the state. Simply, if the state is given such a quasi-divine role in supervising human affairs society can slip all too quickly towards totalitarianism. Popper sees Burke falling into the historicist trap by asking questions such as 'What is the state?', 'How did it originate?', and 'What is its true nature?'. Rather, for Popper, we should ask ourselves 'What do we demand from the state?'. This is a very practical question, and one which requires the creative powers of mankind to be put to good use. Burke, in seeing the state as above ephemeral matters and concerned instead with the promotion of virtue, gave the state a potentially all-embracing and mystical role. And here lies the danger of totalitarianism: for virtue becomes an absolute principle to which other concerns must be subservient. Here we may remember with a shudder that it is sometimes the individuals right, according to Burke, to be restrained.

It has been observed that the concept of democracy had no positive place in Burke's thought. Like Plato, Burke did not think that democracy and anarchy were distinguishable. Moreover, democracy is incompatible with virtue as it vulgarises the true function of the state. Consequently, Burke saw no active role in the state for the bulk of the population (save, in the ultimate emergency, the ability to recognise and overthrow tyranny). Rather, virtue for most people rests in humbly realising their lowly position in society (another idea found in Plato). Ergo, there is very little room for the moral and political development of the people once this doubtful, but static and absolute, interpretation has been given to virtue. So, not only did Burke see a limited role for man in the affairs of the state, but he also denied that most men had this strictly limited role to play. In this context, Burke agreed with Plato that a government is only ever threatened by a split amongst its leaders. It was not the peasants who threatened the ancien regime in France, but their rationalist masters.

Burke's theory of the state is effectively static. Of course, the state does, very gradually, develop and change - otherwise it would be unable to conserve itself. But, Burke argued, this evolution is divinely inspired and devoid of primary human input. By limiting participation within the state to a very small elite, Burke's theory does not allow for the peaceful removal of an unjust government (assuming that the elite is united in its support for such a corrupt administration). As the people have no right of censure via periodic elections, only violent means, in an ultimate emergency,

remain open. Clearly Burke did not think that the elite would in fact be corrupted. This presumption in favour of the elite was based upon a belief that the interests of the natural aristocracy (the elite) were the same as the true interests of the state. A natural aristocracy, for Burke, is made-up by individuals of outstanding merit and virtue: therefore, he was a timocrat. However, some have argued against this benevolent conception of aristocracy. Paine, for instance, remarked in his usual endearing style: "But the origin of aristocracy was worse than foppery. It was robbery. The first aristocrats in all countries were all brigands. Those of latter times, sycophants." No doubt many will agree with Paine that it is the lust for power and wealth which motivates the elite to rule, and not the love of the true interest of the state. Our central objection, nevertheless, must be that Burke's theory is a closed one: if we see the interests of the aristocracy and the interests of the state as being the same, then surely abuses of a most appalling nature can be justified, as they were in pre-revolutionary France?

IV

Burke is a negative political theorist. This is illustrated in his great work 'Reflections on the Revolution in France' in which he attempted to refute the ideas of the radicals. Here Burke is at his best in highlighting the dangers inherent in any revolutionary doctrine. Nevertheless, Burke's thought did not proceed to the maturity which requires not only a stern, but wholly legitimate, criticism of one's opponents, but which also offers a positive

justification for the proposed alternative. Instead, Burke succumbs too readily to the omnipotent and omnipresent principle of tradition. Inevitably the creative powers of man's intellect are understated in Burke's political thought. It is in this respect that Burke's thought lacks balance; and it is for this reason that Burke's influence on the development of conservative thought has to be considered deeply ambivalent.

Undoubtedly Burke's greatest contribution to conservative thought - which is still of pre-eminent importance today - comes in his warning of the dangers present whenever a self-declared revolutionary elite claims to have access to perfect political knowledge. With enormous force, Burke made explicit the rejection of any notion of abstract, absolute knowledge- and this remains the theoretical seed-bed of conservatism. However, Burke has to be criticised for advocating an unwarranted reliance on traditional conduct which itself, embodied in the British Constitution, is made the object of absolute reverence. Worse still, the position Burke reserved for the aristocracy, who he considered the naturally prescribed defenders of the British tradition, makes him an intractable elitist. It is hardly surprising that many, for this reason, have dismissed Burke as an establishment apologist. There is certainly an air of complacency and self-satisfaction in Burke's thought and this can only serve to cast doubt on his declared concern for the whole nation and all of its people. Nowhere is this more apparent than in his view of the state and its economic role in particular.

It is crass to use hindsight in a facile way to condemn a political theorist without reference to his historical situation. Despite this mitigation, it has to be acknowledged that Burke's view of the state both sustained a political establishment in a privileged position and allowed for the emergence of unrestrained capitalism. * For Burke the state is principally concerned with promoting man's virtue, the salvation of his soul; inevitably immaterial concepts, such as a moral equality under God, are held to be the basic considerations of the state. Alternatively, the importance of man's daily bread, the sustenance of his body, is thought to be a matter for the heavens where the laws of commerce are legislated. Perhaps this ought to be the central objection: the view that poverty is divinely prescribed and outside the power of man to alleviate. Another danger of concentrating in politics on the immaterial is that an insensitivity in government will develop. Certainly it will not see government as being concerned with satisfying, as far as is practicable, the needs of man; and we should not forget Popper's warning that the immaterial, and almost by definition mystical and unmeasurable, can lead to brazen arrogance and even totalitarianism. A reluctance to embrace economic questions, perhaps understandable in Burke's time, has left a deep and constraining imprint on much of conservative thought. This has to be a matter of grave concern for it allows critics to argue that

*It is unfair, in my opinion, to criticise Burke for defending a system of economic laissez-faire which made much of the populace destitute. The full consequences of this new orthodoxy were not yet apparent in Burke's time. However, he is part of an intellectual trend which allowed laissez-faire to emerge, despite the fact that - in Burke's case - it had not been prescribed by tradition.

conservatism is exclusive and interested not with man body and soul but with a restricting dichotomy which in practice, if not in explicit theory, works to the benefit of those who have been able to achieve economic security.

Finally, it must be noted that Burke found the concept of democratic government repugnant. If judgement should again not be too harsh, given Burke's own times, it is still true that this aspect of his thought fits neatly into a coherent whole which also revered tradition, eulogised aristocracy, and exuded economic pessimism. Ultimately, whilst as a person Burke was inordinately generous, his concern for the plight of the individual was as ineffectual as it was sincere. In this respect Burke's thought did not encourage the development of the modern state. Democracy, public welfare and government intervention were all dismissed as dangerous pipe-dreams. Nevertheless, Burke certainly should not be regarded as completely obsolete. While many of the practical applications of his thought are utterly inappropriate to a liberal democracy, Burke's refutation of abstract rationalism remains a theoretical triumph.

NOTES

1. C.B. Macpherson. Burke Oxford University Press, 1980. P.5.
2. Ibid., p.56
3. Ibid., p.59.
4. Ibid., p.59.
5. Ibid., p.60.

Because these wings are no longer wings to fly
But merely vans to beat the air

T.S. Eliot
Ash-Wednesday

CHAPTER 111

THE CONSERVATISM OF MICHAEL OAKESHOTT

Philosophically, Oakeshott is an idealist in the tradition of Hegel, R.G. Collingwood, and F.H. Bradley. Idealism here represents the attempt at explaining experience in a coherent and comprehensive way: it is, therefore, holistic. As Bradley stated, such thinking is an effort "to comprehend the universe not simply piecemeal or by fragments but somehow as a whole". In Oakeshott's words, "Experience stands for the concrete whole which analysis divides into 'experiencing' and 'what is experienced'. Experiencing and what is experienced are, taken separately, meaningless abstractions; they cannot, in fact, be separated." It follows that a unity exists between the subject and the object of perception; and inherent in this view is that experience involves thought or judgement. As Oakeshott states: "thought or judgement, as I see it, is not one form of experience, but is itself the concrete whole of experience." Some have, it should be noted, divided experience into thought and sensation. Here, thought is indirect experience; and sensation is direct, immediate experience- that is, experience without the

interference of reflection. For Oakeshott this position is untenable as it requires a bare 'this is' without name or character; sensation would have to "be isolated, simple, exclusive and wholly unrelated"⁴. Now it is true, Oakeshott argues, that we are used to speaking of the sensation 'yellow'; however, in experience 'yellow' is never immediate and unrelated to previous experience. Yellow is a general concept, one which we recognise and differentiate from other experiences; and this obviously requires thought. Moreover, experience even in its simplest form necessitates consciousness, and "to be conscious of something is, in some degree, to recognize it; and recognition involves us at once in judgement, in inference, in reflection, in thought."⁵ Ergo, thought or judgement is not one form of experience but the concrete whole of experience. As experience is thought or judgement, experience can be seen as a world of ideas.

Truth, for Oakeshott, must be taken as inseparable from experience: "Truth is the condition of the world of experience in which that world is satisfactory to itself"⁶. Given this, truth cannot be seen as abstract, as falling somehow outside experience; it is not an external, independent criteria with which experience can be verified.

We have already observed that experience is a world of ideas, and Oakeshott emphasises that from the first moments of consciousness this world is given as a whole. Thus what is given in experience is a world of ideas, and wherever there is a system or a world there is unity. If this were not the case, then the given in experience would become immediate: that is, it would be inherently isolated and without relation to anything else in experience. As Oakeshott states:

The given and the isolated, so far from being synonymous, are contradictory: to be given means to be, to that extent, recognized and understood, while the isolated, as such, is what is unrecognizable, meaningless and incapable of being understood. The manifold, the unique, the nonsensical, whatever else they are, are not what is given in experience. We begin, then, with a world of ideas; the given is neither a collection, nor a series of ideas, but a complex, significant whole. Behind this there is nothing at all. 7

The given in experience is never solid and fixed; alternatively, the given in experience is given to be transformed. Ergo, our inclination towards what is given in experience must be positive and critical. The achieved, which is the transformation of what is given, is a world which is differentiated from the given world by being more of a world. In Oakeshott's words: "And in experience a given world of ideas is raised above its given condition by endowing it with a greater degree of unity. In experience we begin, consequently, with the negation of the presented unity wherever that is seen to be false or
8
inadequate." It seems to me that this point is cardinal to Oakeshott's political thought: for, in experience, "we never look away from a given world to another world, but always at a given world to
9
discover the unity it implies." Consequently, the given world and the achieved world are not separate as "what is achieved is the given endowed with a greater degree of unity, at no time are they separate or
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even distinct." We never, therefore, in the transformation of the given in experience attempt to achieve an abstract, fixed and determined world of ideas; indeed, such a world, if it is to be outside what we have defined as experience, would have to be genuinely immediate, and this is impossible.

Knowledge, in Oakeshott's philosophy, is whatever we find in experience that we are obliged to accept, "whatever in experience we are led to find satisfaction in."¹¹ Knowledge, therefore, is not the transformation into experience of something that is not experience, it is not the transformation of 'things' into 'ideas'. Further, as knowledge exists within experience we cannot view progress in knowledge as a process of accretion. To quote Oakeshott:

To speak of 'adding to knowledge' is misleading. For a gain in knowledge is always the transformation and the recreation of an entire world of ideas. It is the creation of a new world by transforming a given world....Knowledge, in the view I have suggested, is not the extension of a mere series, or the enlargement of a mere collection of ideas; it is the achievement of the coherence of a given world or system of ideas by the pursuit of the implications of that world.¹²

The age old difficulty of whether truth can be known is obviated, if one accepts Oakeshott's reasoning. Earlier we observed that whatever is satisfactory in experience is true: moreover, it is true because it is satisfactory. Furthermore, only what is true can be fully known. For Oakeshott "Truth is a correlative of experience. Without experience there can be no truth; without truth there can be no¹³ experience."

Some philosophers argued that a gulf exists between reality and experience: to Oakeshott this is absurd and he emphatically asserts that reality is experience. If this were not the case, if experience and reality were in fact separate, then reality would become unknowable as it would fall outside experience. Again, if this happens and reality is separated from knowledge, then reality becomes an empty

concept. Thus, states Oakeshott: "Reality is experience, not because it is made real by being known, but because it cannot without contradiction be separated from knowledge." If reality is unknowable, and therefore knowledge impossible, we are committed to an absurd logical error, for: "To assert the impossibility of knowledge is always to assert a piece of knowledge, and is therefore self-contradictory." We cannot, then, separate reality and experience: and as experience is a world of ideas, reality is also a world of ideas. Yet, Oakeshott does not assert that reality is either a world of mere mental events, or a world of mere ideas. Oakeshott argues that: "Certainly my experience is always mine, is always my psychical state, but it does not follow that it is merely mine." Indeed, if this were not so we would have to accept every experience at its face value: to question or to doubt would be impossible. When we doubt or question, manifestly, we appeal not to our mere experience, but to our experience as a world, to the coherence of our experience. This leads us to the following conclusion:

In experience...there is always a reference beyond what is merely true to what is real, because what is merely true- a coherent world of mere ideas-is, in the end, neither complete nor absolute, but an abstraction. Reality is a coherent world of concrete ideas, that is of things. Consequently, it is one, a single system, and it is real only as a whole. My view is, then, that reality and experience are inseparable; that reality is experience, a world of ideas and therefore not a world of mere ideas; that reality is experience....; that reality is what is satisfactory in experience; and that reality is, consequently, a coherent world of concrete ideas. 17

Thus, "reality is not whatever I happen to think; it is what I am obliged to think."

We can conclude, then, that reality is given in every experience; but this is not to say that in every experience reality is given equally. Therefore, the question we are left with is "Where is the experience in which reality is given fully?"¹⁹ If reality is not given explicitly as a whole in experience, there occurs what Oakeshott calls an "arrest" in experience. "Each arrest- Oakeshott states- is a determinate world of ideas, distinguished from every other world of ideas in respect of the precise assertion of reality it embodies."²⁰ We must note that each arrest, or mode, of experience is not a distinct level of experience; indeed, modes of experience have no independence from the totality of experience. However, the totality of experience is not made up of its modifications. As Oakeshott remarks: "For what is genuinely abstract is not a part of the whole, it does not contribute to the wholeness of the whole, and certainly it is not prior to the whole; it is the whole as a whole falling short of its full character."²¹ Or more directly: "A mode of experience is defective, not because it has ceased to be experience or has abandoned the proper criterion of experience, but because it no longer attempts to satisfy that criterion in full."²² The specific modes of experience which Oakeshott examines are the historical, the scientific, and the practical modes. We can first look at the world of practical experience.

Practical experience is the most common mode of experience. Indeed, its ubiquity means that we must make a conscious effort just to step outside it. Many people never manage this, and for them practical experience represents the concrete whole of experience: but

such a perception represents a dangerous error. In its general character, practice embodies everything which belongs to the normal conduct of life as such. Specifically, practice represents our attempt to alter existence or to maintain it unaltered in the face of change. Thus, Oakeshott observes, even the seemingly impractical religious mystics are actually practical persons, as they do attempt to alter existence. Practice, then, is activity; and it is the activity which is inseparable from the conduct of life. This requires a desire, a "to be", and a "that is": if we want change we want something "to be" which is different from the present "that is". However, and this is an important point, we cannot in the absolute sense separate the "to be" from the "that is": for this to happen, our desired change, the "to be", would have to be external from the world of experience, independent from the "that is".

The scientific and historical modes of experience are not as important to our inquiry. Briefly, science is a world conceived under the category of quantity, and is therefore, absolutely communicable experience. Here, the function of an hypothesis is to make this world of scientific experience more of a world- and so achieve greater unity. Thus, Oakeshott maintains: "...no scientific generalization is conceived to be beyond the possibility of revision; it is experimental in the sense that so soon as it is seen to stand in the way of a coherent world of scientific experience it ceases to be held
23
important."

History cannot be seen as a mere exhumation of past events: for no such objective and independent world can exist divorced from our

experience. Rather, "The historian's business is not to discover, to recapture, or even to interpret; it is to create and to construct." As we have seen, if history were in fact independent and awaiting mere discovery, it would not be experience and would therefore be unknowable. For the historical past to be knowable it has to belong to the present world of experience. So Oakeshott concludes: "What really happened (a fixed and finished course of events, immune from change) as the end in history must, if history is to be rescued from nonentity, be replaced by 'what the evidence obliges us to believe'".

We must now return to our earlier question "Where is the experience in which reality is given fully?" Each mode of experience, Oakeshott contends, is reality from a particular standpoint or arrest; but in philosophy we are concerned only with the totality of experience without reservation or arrest. Thus the answer to our quest is to be found in philosophy. However, Oakeshott now becomes fundamentally sceptical, for such a pursuit as is entailed in philosophy is the striving for perhaps unattainable perfection. We can end this section with Oakeshott's concluding paragraph in "Experience And Its Modes":

We come back in the end, then, to what was suggested at the beginning: the view of philosophical thought as the pursuit, for its own sake, of an unlimited, unmodified experience, and at the same time as a mood, a turn of mind. There is perhaps something decadent, something even depraved, in an attempt to achieve a completely coherent world of experience; for such a pursuit requires us to renounce for the time being everything which can be called good or evil, everything which can be valued or rejected as valueless. And no matter how far we go with it, we shall not easily forget the sweet delight which lies in the empty kisses of abstraction. Indeed, the attempt to find what is completely satisfactory in experience is so difficult and dubious an undertaking, leading us so far aside from the ways of ordinary thought, that those may be pardoned who prefer the

embraces of abstraction. For, if these give but little satisfaction, and give that little not for long, it is at least a tangible and certain satisfaction while it lasts and one not to be despised. 26

11

We can now move onto Oakeshott's conception of rationalism, the kernel of his political thought. Oakeshott begins by emphatically refuting the received view that rational conduct requires the premeditation of ends, together with the furnishing of logical justifications for these ends and the means to their achievement. As Oakeshott describes such activity:

In order that a man's conduct should be wholly 'rational', he must be supposed to have the power of first imagining and choosing a purpose to pursue, of defining that purpose clearly and of selecting fit means to achieve it; and this power must be wholly independent, not only of tradition and of the uncontrolled relics of his fortuitous experience of the world, but also of the activity itself to which it is a preliminary. 27

The mind, in such a theory, is given this power by an intrinsic characteristic called 'reason'; and it is this power to reason which makes the mind a distinct and independent entity. Distinct and independent, of course, from the experiences which are contained within the mind in the form of knowledge. Thus, if such a conception is valid, the mind can sit in judgement over the experiences which are constantly paraded before it. According to Oakeshott, such a mind is a total fiction. Experience does not merely enter the mind, but experience also forms the mind. As Oakeshott states:

Mind as we know it is the offspring of knowledge and activity; it is composed entirely of thoughts. You do not first have a mind, which acquires a filling of ideas and then makes distinctions between true and false, right and wrong, reasonable and unreasonable, and then, as a third step, causes activity. Properly speaking the mind has no existence apart from, or in advance of, these and other distinctions. These and other distinctions are not acquisitions; they are constitutive of the mind. Extinguish in a man's mind these and other distinctions, and what is extinguished is not merely a man's 'knowledge' (or part of it), but the mind itself. What is left is not a neutral, unprejudiced instrument, a pure intelligence, but nothing at all. 28

It is equally fallacious to assume that conduct can spring from any activity which presupposes a distinct and independent mind. In actuality, all so called independent premeditation is merely an abstraction from previous knowledge. For example, a scientific discovery cannot be wholly spontaneous and separate from previous scientific activity. The most brilliant scientist becomes an impotent eccentric if he is cut off from the flow of past scientific experience. Thus, no scientist can preconceive an hypothesis and then test it; for to form an hypothesis, and to test it, requires in the first place prior scientific knowledge. Therefore, rational conduct cannot be seen as action which utilises independent premeditation, rather: "Rational conduct is acting in such a way that the coherence of the world of activity to which the conduct belongs is preserved and possibly enhanced." 29 The rational scientist, then, works within scientific tradition when attempting to advance scientific knowledge. Of course, this view loudly reiterates Oakeshott's philosophical position: scientific activity is concerned with making the scientific world view more coherent. Advances in scientific knowledge (and we

must acknowledge that scientific 'discoveries' can be revolutionary) perform this very function: they take the given in scientific experience and transform it into a world with greater unity and added coherence. Whilst throughout, we must remember, the given and the transformed in scientific, or any other, experience are never separate, distinct or independent.

To illustrate the absurdity of so called 'rational' conduct Oakeshott cites the example of the design of bloomers in Britain in the 1880's. It was contended that bloomers were the rational answer to the problem of what would be practical for a lady to wear when riding a bicycle. The designers, then, were concerned only with this question, independent of all other irrelevant factors. But if this was so, asks Oakeshott, why did they not come up with the solution of shorts? The reason is that the designers of bloomers were not in fact seeking to solve the problem of what was the best clothing for a lady to wear when riding a bicycle, but what was the most practical mode of dress which was still acceptable in nineteenth century Britian. Thus, as an example of independent and premeditated conduct, the design of bloomers is manifestly deficient.

Rationalists-- to use their self-styled misnomer-- proceed to another fundamental error. All human activity requires knowledge, and Oakeshott asserts that knowledge is of two sorts: technical and practical. However, the rationalist fails to recognise this bifurcation, and here lies his ultimate downfall. Technical knowledge is a part of all practical activity; it consists of reflective principles, maxims, directions-- in short, it is the type of knowledge

which can be formulated into rules. Thus, technical knowledge can be taught and learned. An example of technical knowledge, in one form of human activity, is a cookery book. We can consult such a source to find out the 'what to do' of cooking. Due to its character, technical knowledge can project the illusion of certainty for it is precise and clearly formulated. Alternatively, practical knowledge appears to lack formulation and precision; it is thus often criticised and dismissed as not being knowledge at all. Yet this misses the point, argues Oakeshott. Whilst it is true that practical knowledge (or traditional knowledge as it is sometimes called) cannot be formulated into rules and is not reflective, it is still an essential part of human activity. Practical knowledge really has to be 'caught' as opposed to 'taught'. Taking the example of cooking, one may be able to tell someone, technically, 'what to do', but not 'how to do it'. The latter can only be imparted and acquired, as it is in the master-apprentice relationship, for instance.

The fallacy of rationalism lies in the fact that it takes technical knowledge to be the totality of knowledge, when in fact it is only a part of the whole (indeed, philosophically, it is an abstraction or an arrest in the whole). This complete reliance on technical knowledge means, for Oakeshott, that the essence of rationalism is a combination of perfection and uniformity. Rationalists have no place for the 'best in the circumstances', rather they strive for the definitive-- and for them, perceivable-- 'best'. As the rationalists do not recognise the exigences of differing circumstances-- which they see merely as excuses for inaction-- they have no place for variety,

and so their theories become uniform. To quote the arch-rationalist Godwin: "There must be in the nature of things one best form of government which all intellects, sufficiently roused from the slumber of savage ignorance, will be irresistably incited to approve." Of course, rationalists do not argue that there is one universal remedy for all political ills; however, once the remedy for one particular ill has been perceived by reason, it is universal in its application. Anything else, for them, would be irrational.

The comparison here with Burke's view of reason is most pronounced. Like Oakeshott, Burke denies that reason can conquer most of man's ills if only it is freed from the stiffling constraints of a corrupt society. Moreover, much of Burke's criticism of Enlightenment rationalism centres on the fact that he regards such theories of reason as hopelessly abstract and purely speculative (thus lacking any grounding in human nature). This is exactly Oakeshott's point: rational conduct is absurd because it does not conform to the actual nature of human activity-- again, taken separately, it is hopelessly abstract. Oakeshott, again like Burke, turns to tradition for a more satisfactory regulator of human activity; but unlike Burke, I will argue, Oakeshott derives his justifications for tradition from purely secular arguments. Before an examination of Oakeshott's conception of tradition is undertaken, however, it is as well to look at the place he accords to ideology in his thought.

111

As we have seen, the rationalist becomes intoxicated on the

certainty and simplicity of technical knowledge. Furthermore, this infatuation with technical knowledge leads the rationalist to seek for some all-inclusive 'crib' to direct his political activity. The rationalist needs an ideology. Oakeshott provides us with the following definition of ideology:

As I understand it, a political ideology purports to be an abstract principle, or set of related abstract principles, which has been independently premeditated. It supplies in advance of the activity of attending to the arrangements of a society a formulated end to be pursued, and in so doing it provides a means of distinguishing between those desires which ought to be encouraged and those which ought to be suppressed or redirected.
31

Clearly, for Oakeshott, such thinking represents the rationalist fallacy revisited (or in political form). To refute this fallacy Oakeshott maintains that practice is always prior to doctrine. Anyone who argues that one can acquire by intellectual premeditation a set of independent principles to regulate political conduct is committing the most disastrous ignoratio elenchi. As Oakeshott puts it:

So far from a political ideology being the quasi-divine parent of political activity, it turns out to be its earthly stepchild. Instead of an independently premeditated scheme of ends to be pursued, it is a system of ideas abstracted from the manner in which people have been accustomed to go about the business of attending to the arrangements of their societies. The pedigree of every political ideology shows it to be the creature, not of premeditation in advance of political activity, but of meditation upon a manner of politics. In short, political activity comes first and a political ideology follows after; and the understanding of politics we are investigating has the disadvantage of being, in the strict sense, preposterous. 32

So ideological conduct-- like its rational twin-- is absurd because it is intrinsically impossible. To take once more the example

of cooking: it might be assumed that the existence of an ignorant man, edible materials, and a cookery book, taken together, provide the necessities of a self-moved, concrete activity called 'cooking'. But this is not true; the cookery book is not an independently generated beginning from which the activity of cooking can spring. Rather, it is, in abstract form, an abridgement of somebody's knowledge, acquired by experience, of how to cook. It could, of course, help someone prepare a dinner; but if it were all the person had to go on he would never begin, for "the book speaks only to those who know already the kind of thing to expect from it and consequently how to interpret it." ³³

Now Oakeshott does not deny that political ideologies have some use. Indeed, as an abbreviation of a political tradition an ideology can increase our awareness and understanding of society. However, if an ideology is offered as the sole criterion for political conduct, the result is disastrous as an ideology is merely an arrest in political knowledge as a whole. Oakeshott, predictably, dubs marxism, socialism, liberalism, and collectivism, as ideological. Furthermore, conservatism can also fall into such a category if it attempts to present itself as a number of clearly defined, consistent and universal principles. Another doctrine which is "ideological" is that of natural law and natural right. Take the notion of "freedom" as a human right:

Freedom, like a recipe for game pie, is not a bright idea; it is not a "human right" to be deduced from some speculative concept of human nature. The freedom which we enjoy is nothing more than arrangements, procedures of a certain kind: the freedom of an Englishman is not something exemplified in the

procedure of habeas corpus, it is, at that point, the availability of that procedure. And the freedom which we wish to enjoy is not an 'ideal' which we premeditate independently of our political experience, it is what is already intimated in that experience. 34

Oakeshott, unlike Burke, cannot support the notion of natural law as a given and independent regulator of human conduct existing separately from human reason (as it is a part of the divine, not human, order) and yet perceivable by it. This rejection is based firmly on Oakeshott's philosophical position, whereby he denies that anything independent of experience can in fact be perceived. Indeed, this very point is the core of the imminent nature of Oakeshott's conservatism. Nevertheless, Oakeshott, despite refuting the natural law doctrine, does not deny its traditional utility altogether: for, as a summary of Christian values, upon which western society has been based, it is very articulate. Oakeshott, then, demystifies a very important concept and puts it to good secular use. Like Burke, Oakeshott places great importance on the role of tradition in society-- but, as we will see below, tradition for Oakeshott is purely imminent, and in no way can it be seen as a transcendental reflection of the Divine order.

IV

Traditional conduct, for Oakeshott, is activity which is based not on reflective thought, but on a habit of affection and behaviour. In no way does this mean that traditional activity is irrational, for we have already observed that premeditation is not necessary for rational conduct. According to Oakeshott, "We acquire habits of conduct, not by constructing a way of living upon rules or precepts,

but by living with people who habitually behave in a certain manner: we acquire habits of conduct in the same way as we acquire our native language....This sort of education is not compulsory; it is inevitable." ³⁵ It is at once apparent that this sort of conduct offers great stability both for the individual and for society. It is not prone to sudden changes, but this is most definitely not to say that it will never undergo some alteration. Certain aspects of a tradition may become obsolete and collapse, but, as a tradition cannot be viewed as a neat 'system', this collapse does not engulf the whole. Indeed, not only is tradition unsystematic-- in a technical sense-- it does not contain extensive and rigid rules, as would an ideology. Ergo, tradition is not prone to destruction resulting from the detection of a flaw or incoherence in its system of rules. Furthermore, tradition is never absolutely fixed, and this is why its character is elastic and able to adapt to change. For Oakeshott:

Custom is always adaptable and susceptible to the nuance of the situation. This may appear a paradoxical assertion; custom, we have been taught, is blind. It is, however, an incidious piece of misobservation; custom is not blind, it is only 'as blind as a bat'. And anyone who has studied a tradition of customary behavior (or a tradition of any other sort) knows that both rigidity and instability are foreign to its character. 36

A practical illustration of what Oakeshott means here can be seen in language: "nothing is more habitual or customary than our ways of speech, and nothing is more continuously invaded by change." ³⁷ This does not lead us to conclude, however, that tradition is the only means of regulating our political conduct. To hold such a belief would be to commit, albeit inversely, the rationalist fallacy; tradition would

eventually degenerate into sterile superstition. What Oakeshott advocates, true to his Hegelian roots, is a combination of both traditional and technical knowledge to govern our political conduct. Indeed, taken separately, traditional and technical knowledge are mere abstractions. Nevertheless, Oakeshott does warn against the domination of technical knowledge in this synthesis, as:

When action is called for, speculation or criticism will supervene. Behaviour itself will tend to become problematical, seeking its self-confidence in the coherence of an ideology. The pursuit of perfection will get in the way of a stable and flexible moral tradition, the naive coherence of which will be prized less than the unity which springs from self-conscious analysis and synthesis. It will seem more important to have an intellectually defensible moral ideology than a ready habit of moral behaviour. 38

So in the optimum condition society will place the emphasis on tradition. In this respect, Oakeshott's presumption in favour of tradition links him closely to Burke. Change is certainly not ruled out (as Burke remarked, a society without the means of change can not preserve itself), but the onus of proof for any proposed change rests squarely with the reformer. After all, change of any sort always causes an immediate loss, whilst only promising a future benefit. Oakeshott becomes a traditionalist, like Burke, in the sense that he values tradition and the wisdom it contains. The nature of political activity which he advocates reflects this:

There are some people, of course, who allow themselves to speak
As if arrangements were intended
For nothing else but to be mended

but, for most of us, our
determination to improve our conduct does not prevent us from
recognizing that the greater part of what we have is not a burden to be

carried or an incubus to be thrown off, but an inheritance to be enjoyed. And a certain shabbiness is joined with every real convenience. 39

The example offered by Oakeshott of the legal status of women in the early part of this century is a good illustration of this general theory. According to Oakeshott, the legal status of women was in confusion for: "the rights and duties which composed it intimated rights and duties which were nevertheless not recognized." Thus, the reason for the eventual "technical enfranchisement" of women was that in all other important respects they had already been enfranchised. Any reference to "natural right" is patently irrelevant. Within tradition, the enfranchisement of women made the existing order more "coherent". This theory, evidently, is organic: society changes gradually, making itself more coherent and more of a whole via greater unity. Nowhere is tradition betrayed or abrogated; rather it is improved and built upon. And the moving force in this process of social development is not the hand of Providence, as in the transcendental conservatism of Burke, but the spontaneous interaction of many powers, both conscious and unconscious.

Oakeshott's conception of tradition shows us more clearly than anywhere else that he is an imminent and secular conservative. He does not concern himself with perceiving an independent and given moral order (such as natural law); such a task in Oakeshott's view is inherently impossible as we can only perceive what is in our experience. Oakeshott is not a divinely inspired conservative; yet tradition genuinely plays a supra-human role in his thought. However, Oakeshott

would argue that the prescriptions of tradition are empirically evident, and so within experience, as opposed to being mere abstractions. Take, for example, the evolution of the British parliamentary system which enshrines our notion of freedom. It exists in its present form after a long period of trial and error; in no sense is it the construction of what was considered by abstract reason, at a particular time, to be the form of government we deserve by some natural right.

V

We can now draw this discussion to a close by examining some of the practical implications of Oakeshott's political philosophy. Of special significance, in my opinion, is the relationship Oakeshott sees between the nature of liberty and the economic structure of society. Oakeshott strongly opposes any abstract definition of the term 'liberty'. Speaking of the libertarian, Oakeshott remarks that: "He is a libertarian, not because he begins with an abstract definition of liberty, but because he has actually enjoyed a way of living (and seen others enjoy it) which those who enjoyed it are accustomed (on account of certain precise characteristics) to call a free way of living, and because he has found it to be good." Clearly, we cannot look beyond our own experience for a definition of liberty: liberty, if it exists, exists imminently. Thus: "The purpose of the inquiry is not to define a word, but to detect the secret of what we enjoy, to recognize what is hostile to it, and to discern where and how it may be enjoyed more fully." Liberty is not a constant or perfect entity (as rationalists

maintain); it is not something which once established merely has to be defended. Therefore, we can quite properly speak of embellishing our present liberty with added coherence and unity. And it is this point which allows for a creative human input; although it is crucial to remember that man has to work with what is given in experience.

Liberty, like Oakeshott's conception of experience, cannot be seen as consisting of a number of independent components. As Oakeshott states: "Liberties, it is true, may be distinguished, and some may be more general or more settled and mature than others, but the freedom which the English libertarian knows and values lies in a coherence of mutually supporting liberties, each of which amplifies the whole and none of which stands alone."⁴³ However, all of these mutually supporting liberties represent one thing, "namely, the absence from our society of overwhelming concentrations of power."⁴⁴ Within any society there exists raw power; and power endangers liberty whenever it becomes overly concentrated. In the British political tradition power has been diffused in a number of ways: through the rule of law which checks arbitrary power; between the institutions of state, such as the church, parliament, the executive, and the judiciary; and through the right of voluntary association which has allowed groups with common social or economic interest to form. The diffusion of power is, then, of paramount importance to the maintenance of liberty. Remarking about the libertarian, Oakeshott states that: "He will know that no individual, no group, association or union can be entrusted with much power, and that it is mere foolishness to complain when power is⁴⁵ abused. It exists to be abused."

A balance of power must exist for a society to be genuinely free. Yet, just as liberty is never a fixed constant, the balance of power is never permanently secure. The libertarian cannot allow his guard to drop, for: "Arrangements which in their beginnings promoted a dispersion of power often, in the course of time, themselves become over-mighty or even absolute while still claiming the recognition and loyalty which belonged to them in respect of their first character." 46

The institution of state which is most likely to lust after power is the government. For Oakeshott, a libertarian government is one which operates within the rule of law-- and thus acknowledges the limitations of its authority-- whilst still being prepared to use its legitimate power courageously when required (such as when measures are necessary to ensure the continued rightful balance of power). Oakeshott places, then, a great emphasis on the rule of law in a free society:

But government by rule of law (that is, by means of enforcement by prescribed methods of settled rules binding alike on governors and governed), while losing nothing in strength, is itself the emblem of that diffusion of power which it exists to promote, and is therefore peculiarly appropriate to a free society. It is the method of government most economical in the use of power; it involves a partnership between past and present and between governors and governed which leaves no room for arbitrariness; it encourages a tradition of resistance to the growth of dangerous concentrations of power which is far more effective than any promiscuous onslaught however crushing; it controls effectively, but without breaking the grand affirmative flow of things; and it gives a practical definition of the kind of limited but necessary service a society may expect from its government, restraining us from vain and dangerous expectations.

47

In Oakeshott's opinion property is the most important source of power, and he asserts that: "In every society an institution of property is unavoidable." 48

The only relevant question, then, is what form this

property ownership will take? The two logical extremes are that either all property will be owned by the state, or that property will be privately held by many individuals. Now, for Oakeshott, there is no doubt which form is most agreeable to liberty: "it will be one which allows the widest distribution, and which discourages most effectively great and dangerous concentrations of this power." And the following condition is the one most likely to ensure such a proper distribution:

The institution of property most favourable to liberty is, unquestionably, a right to private property least qualified by arbitrary limits and exclusions, for it is by this means only that the maximum diffusion of the power that springs from ownership may be achieved. 50

In a very real sense, therefore, an Englishman's home is his castle, protecting him from the external forces of economic coercion. The free market, for Oakeshott, is an essential element of property right; and this contention involves Oakeshott in a vigorous defence of capitalism. Every individual has a right to the pursuit of property; although actual success will depend on a number of factors, most importantly the ability of the individual. Thus, like Locke and Burke, Oakeshott maintains that a man's talents are his own property and are to be exploited at will for personal gain. Inevitably, as a result, property will be unequally distributed; however, for the libertarian, the important point is that it will be distributed. If this were not the case, and property were to accumulate in a few hands, then dangerous concentrations of power would build up. Such a situation would lead to slavery, for:

The freedom which separates a man from slavery is nothing but a freedom to choose and to move among autonomous, independent organizations, firms, purchasers of labour, and this implies private property in resources other than personal capacity. Wherever a means of production falls under the control of a single power, slavery in some measure follows. 51

Capitalism, for Oakeshott, is essential for liberty.

Egalitarians, of course, argue that if property is the source of most power only an equal distribution of property to all can secure liberty. Oakeshott would contend, however, that such a policy would be ruinous for it would require the strong hand of state control: in practice, if not in theory, the state would soon own all property and become all powerful.

In Britain the greatest threat to liberty is posed by economic monopolies. The libertarian will find monopolies repulsive, be they state owned or not, for: "All monopolies, or near monopolies, he knows as impediments to that liberty, and the greatest single institution
52
which stands between us and monopoly is private property." This may, to some, make Oakeshott's position appear contradictory: a free market is to be encouraged, and yet, experience shows us, free markets frequently encourage monopolies. Oakeshott responds by arguing that effective competition ought to be maintained in a free market environment. This will require some intervention by the government, but as such action protects our liberty it is perfectly legitimate and desirable. The checking of monopolies, Oakeshott concedes, involves us in some sacrifice because monopolies frequently generate greater economic efficiency. Nevertheless, if this sacrifice is seen as the price necessary to procure our liberty, it becomes joyously bearable.

Like Burke, then, Oakeshott sees a proper role for government in establishing an optimum economic structure for a free society. Oakeshott is not a laissez-faire liberal, as the following passage illustrates:

In other words, he (the libertarian) will recognize that the only way of organizing the enterprise of getting a living so that it does not curtail the freedom he loves is by the establishment of effective competition. He will know that effective competition is not something that springs up of its own accord, that both it and any alternative to it are creatures of law; but since he has observed the creation (often inadvertently) by law of monopolies and other impediments to freedom, he will not think it beyond the capacity of his society to build upon its already substantial tradition of creating and maintaining effective competition by law. 53

For Oakeshott, a laissez-faire policy is most unlikely to maximise liberty; indeed, through its implicit tolerance of monopolies it threatens our freedom. So Oakeshott insists that the government must occasionally use its power to improve the economic structure of society; but any action, of course, is not to be arbitrary but within the rule of law.

If Burke can be seen as the most eminent conservative of the classical school, Oakeshott has a convincing claim to be considered the most eminent modern. Oakeshott's immediate, idealist philosophy places experience completely within man's present consciousness. There is no room for the mystical hand of Providence to scribble copious notes through history (so offering man infallible and independent guidance). Yet significant similarities do exist

between Burke and Oakeshott. Most notably their theories converge in an attack on abstract rationalism, a theory they cannot dismiss as merely ridiculous because of the grave practical dangers it presents. In reminding their contemporaries of the importance of traditional experience, Burke and Oakeshott become increasingly reliant on this principle and effectively adopt a deeply pessimistic view about the extent of human reason. If this is the negative side of what is common in the thought of Burke and Oakeshott, the positive side is certainly the convincing refutation of abstract, perfect knowledge both thinkers made in the idiom of their times.

NOTES

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So many try to say Not Now,
So many have forgotton how
To say I am, and would be
Lost, if they could, in history

W.H. Auden
Another Time

CHAPTER 1V
OAKESHOTT CRITICALLY EXAMINED

We can now turn to a critical examination of Oakeshott's thought. In an interesting and provocative review of Oakeshott's book 'Rationalism in Politics', Julian Franklin articulates what I consider the most damaging criticism of Oakeshott's philosophical position. Franklin states that: ".....what Oakeshott is attempting is logically impossible,the structure of a concrete whole simply cannot be described or analyzed within the limits of ordinary logic." In a concrete whole each part is affected by the other parts in a complex structure of inter-relationships; now, if in order to describe one part we must have already described the others, as they affect it, there is simply no place to begin. Furthermore, Franklin comments: "It may be noted that if we cannot analyze the structure of a concrete whole we can never have reason to believe that one exists." Oakeshott's rebuttal, I think, would be twofold: first, he would deny that it is possible to perceive a concrete whole by analyzing its parts (or modes) and second, Oakeshott would argue that his very aim is to break the current bounds of philosophy and logical analysis. This puts Oakeshott

in the same category as Hegel: although, unlike Hegel, Oakeshott is fundamentally sceptical about the likely success of creating such a new philosophy. Indeed, Oakeshott's position is that philosophy, properly defined, is probably a pursuit man is incapable of performing.

It is important to be fair to Oakeshott here: we may not like the idea that philosophy is a pursuit which is beyond us, but in itself such a view cannot be criticised merely because it is unpalatable. What we can say however-- and leaving aside any question of the validity of Oakeshott's position-- is that Oakeshott is well on the way to becoming a conservative nihilist. Originally it can be argued that one of the more attractive elements of Oakeshott's brand of idealism is that it maintains that truth is contained within experience. This suggests that truth is accessible to us: but Oakeshott asserts that this is the case only in a very partial sense-- for the ultimate truth, the ultimate reality, is found in philosophy as it comprehends experience in its totality without reservation or arrest. Similarly, when we come to political conduct, Oakeshott's imminent conservatism may not be the demystified, secular guide some have thought. Oakeshott's deep scepticism is illustrated in the following passage:

In political activity, then, men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither a starting-place nor appointed destination. The enterprise is to keep afloat on an even keel; the sea is both friend and enemy; and the seamanship consists in using the resources of a traditional manner of behaviour in order to make a friend of every inimical occasion. 3

Oakeshott explicitly states that the given in experience is given to be transformed. How does this principle effect our political conduct? We must conclude that our tradition is given to us in order to be transformed. This organic conservatism implies two things: first, our tradition is not perfect or static, and thus can be transformed and improved; and secondly, in order to transform our tradition we must adopt a positive and critical attitude to what we find in experience. There seems to be an important human creative input here: our society does not evolve spontaneously, if it were to do so it would be independent of us. Manifestly, if man is to play a role in his destiny his critical, or rational, powers are of consummating importance. However, the cardinal question must now be faced: what sort of criteria do we adopt in seeking to transform the given in experience? Burke, I have argued, saw natural law as a guiding principle. Oakeshott dismisses such a concept; he also dismisses utopian theories which construct a future ideal towards which we should strive. Rather, Oakeshott looks back and asks: what do we see in our tradition? After answering this question we can begin to understand how we should go about improving our tradition. Ergo, we should aim in the transformation of a given tradition to make that tradition more coherent, more unified. Right reason, therefore, works harmoniously with tradition. It is in this sense that Oakeshott is an imminent conservative.

Does this view place conservatism on a firmer foundation? We can try to answer this question from the philosophical angle by examining Oakeshott's conception of truth. Oakeshott denies that

truth can be an external criteria (such as natural law) which is independent of our experience. Truth, then, cannot be seen as correspondence to an external law; alternatively, Oakeshott argues that truth is coherence to tradition and the experience it contains. Thus, Oakeshott states that: "In experience, we begin, consequently, with the negation of the presented unity wherever that is seen to be false or inadequate." Yet, how do we evaluate whether something is false or inadequate and therefore incoherent? Taking Oakeshott's example of the enfranchisement of women, why was this action seen as making the British tradition more coherent? The contrary could be asserted if we argue that the British tradition enshrines the notion of female inferiority, and that any rights which have been surrendered to women represent a dangerous aberration from tradition and therefore ought to be abrogated. If such opposites can be promoted as being coherent, does not truth as coherence become meaningless? It seems to me that Oakeshott is attempting to establish an immediate and uniform conception of coherence; like Burke, Oakeshott suggests that 'right reason' will interpret tradition correctly. Nevertheless, if coherence relates to experience, and experience- for Oakeshott- requires judgement, will not differing opinions spring from individual judgement? What compels judgement to be uniform and not distinct and individual? Ultimately, Oakeshott's view of what is coherent is based on belief, it is not immediate nor self-evident; and belief is also the basis of any natural law. In this respect, I find no greater satisfaction in Oakeshott's imminent conservatism.

11

In the previous chapter we observed how important the concept of reason is to Oakeshott, and how he maintains that the premeditation of ends is not necessary for rational conduct. As R.E Dowling remarks, for Oakeshott: "The sole test of rationality is coherence with traditional conduct, and any action, be it premeditated, spontaneous, impulsive, or unthinkingly habitual, which is coherent with traditional conduct, is rational." This definition of rational conduct is revolutionary: since the time of Aristotle rational conduct has been seen as action for which reasons can be given. Oakeshott, in his definition of rational conduct, deliberately under-emphasises the utility of man's critical powers. Like Burke, as a result, Oakeshott adopts a strong presumption in favour of tradition. The danger here is that this strong presumption can all too easily slip towards an unquestioning intuition. And it should be remembered that if we are to take Oakeshott's view of truth as coherence seriously, man has to be vigilant in using his critical powers fully in order to root out incoherence.

Oakeshott criticises rationalists for their dismissal of tradition and practical experience. Yet it is far from clear to me why rationalists have to adopt such an extreme position. It seems that Oakeshott could be attacking a straw man here: if rationalists do indeed dismiss tradition and practical experience, then their theories are certainly predestined to absurdity. However, no rationalist, merely to be a rationalist, need hold Oakeshott's conception of an

independent mind existing prior to experience. Such a mind is utterly impossible. The mature rationalist position, as I see it, is that we must pass judgement on our experience, in no way is such judgement independent of our experience. Furthermore, political conduct, rationally undertaken, requires the premeditation of ends (together with reasons for their pursuit) and the provision of means to their achievement. Again, this activity is not by definition independent of our experience, as Oakeshott suggests the rationalists claim. We can agree with Dowling as he remarks: "Surely the assertion that premeditated ends are necessary for rational conduct may be distinguished from the assertion that independently premeditated ends are necessary for rational conduct."⁶

To illustrate this argument we can take the example of marxism, a rationalist ideology par excellence. Marx certainly did not believe that he had cut himself off from tradition and historical experience in order to conceive the perfect society: he did not postulate his theories as being, in this sense, independent and abstract. Indeed, Marx thought that he was the first person to interpret history properly and thus solve the puzzle of social evolution. It should be remembered that Marx would not speculate in detail about the particulars of a communist society because all ideas are tied to their contemporary social experience. Marx would have agreed with Hegel that "it is just as silly to suppose that any philosophy goes beyond its contemporary world, as that an individual can jump beyond his time."⁷ Thus Marx was reticent about the character of a communist society because he lacked the necessary experience and knowledge to say anything worthwhile.

In his attack on rational conduct, Oakeshott is very close to the position of Burke. Both distinguish between practical and technical knowledge, and they further agree in placing the emphasis in this dichotomy upon the practical (also termed traditional) component. Thus, Burke and Oakeshott urge us to support tradition unless very good reasons can be given to do otherwise. Perhaps there is nothing too objectionable here, for such a static theory at least plays safe (although one must concede that just as a reforming action can lead to harm by disturbing the status quo, so can inaction lead to harm in the face of changing circumstances). If tradition and experience are so important to Oakeshott's thought, how are we ever going to understand our tradition if technical (or reflective) knowledge is so weak? We will return to this point in the next section; now it is enough to reiterate that despite what superficially appears to be a positive philosophy, with room for a substantial creative human input, Oakeshott's implicit position is that man can do little to alter his destiny: generally, it is far better for him to sit back and enjoy what is given. Again, and like Burke, Oakeshott loses a valuable existential dimension to his thought; and this, it is my contention, contradicts his basic philosophy.

As Oakeshott sees an ideology as essentially a rationalist's crib, ideological conduct is closely related to rational conduct. Again we must ask ourselves why ideological conduct must be seen as necessarily speculative and independent of experience? I find no further satisfaction in Oakeshott's view that ideologies are only arrested abridgements of past experience (as they inevitably fail to be

independent and abstract). This argument can only be valid if experience can be shown to lead to one uniform conclusion: however, we have already observed that there are grave doubts as to whether experience functions in such a manner. All that Oakeshott offers us here is the assertion that ideologies are based in experience: this states the obvious.

In seeing ideologies as a series of simplistic, but comprehensive, solutions to the wide range of political problems man faces, Oakeshott appears to hold a view similar to the usual misinterpretation of natural law where a cosmic positive law is sought. However, ideologies rarely present themselves in the form of a thousand and one uniform rules for everyday life. Rather, it appears to me, ideologies can be reduced to a number of basic principles (which represent a world view, or basic interpretation of experience). The means to these principles (or ends) are often very many indeed; and in order to choose the most efficacious means many mature rationalists, I have no doubt, would emphasise the importance of experience. Now, if we refuse to see an ideology simply as a collection of abstract and speculative principles, we can begin to argue that conservatism would be in better shape if stopped being a mere disposition and started to reflect upon the basic principles which make up its own character.

111

Given that Oakeshott turns to tradition for a more reliable guide to political conduct, it is essential that he provides us with a satisfactory understanding of tradition. Our primary question is

whether tradition can exist in an independent and objective sense: does tradition merely await our discovery? This would have the advantage of making tradition uniform and absolute, any disagreement between individuals, or between ideologies, concerning the nature of tradition would be attributable to error or misinterpretation. However, Oakeshott cannot accept this conception of tradition: if tradition is independent and objective, then it is beyond our experience. Anything beyond our experience cannot be known, and manifestly the unknown can never provide us with a guide to political conduct. So how are we to properly conceive of tradition? Oakeshott has provided the answer, I think, in discussing the nature of history: "What really happened (a fixed and finished course of events, immune from change) as the end in history must, if history is to be rescued from nonentity, be replaced by 'what the evidence obliges us to believe'." ⁸ Clearly a thorough examination of the evidence requires the full utilisation of man's critical powers; tradition is not, as a result, an alternative to reason- they are both parts of the same whole. Nevertheless, we are left with a cardinal difficulty: will the evidence oblige everyone to interpret tradition uniformly? Burke argued that we would achieve consensus if we applied 'right reason'; and Oakeshott seems to agree as he argues that if we strive to attain a genuine 'sympathy' for tradition problems of misinterpretation will be obviated.

This position appears most unsatisfactory to me: we have already illustrated the possibility of legitimate disagreement about what is contained within tradition with the example of the enfranchisement of women. Under these circumstances, to turn to the principle of

coherence offers us no way out: we are always left with the question "coherence to what"? Obviously, if people interpret tradition differently their idea of what is coherent will utterly lack consistency. Simply, coherence only works if tradition is uniform and absolute.

Oakeshott also ignores the possibility that there may be more than one tradition within society. As R.H.S. Crossman contends: "Why should we presuppose that, inside the territory we call Britain...there is only one society, with one tradition? Why should there not be two societies...each with its own way of life?"⁹

Supposing that we can identify one macro-tradition within society (which may contain, without contradiction, micro-traditions), how does this tradition develop? Oakeshott answers that we make our tradition more coherent, and his implicit contention is that this development is very gradual indeed. This is illustrated in the example of the enfranchisement of women: this was not, argues Oakeshott, a critical and dramatic action; rather, it formally recognised an existing situation (the growing equality of women). However, whilst admitting that the particular social undercurrents were strong and well established, can we not argue that events such as the Magna Carta, the Bill of Rights, or the Parliamentary Reform Acts, have a far more climacteric significance? Certainly, the forces of reaction which respectively opposed these measures would seem to question the view that they were mere historical formalities. If their critical significance is granted, then we can see social development proceeding via a number of quite dramatic, not gradual, steps. Furthermore, if this is the case,

then coherence could become a far more radical concept (as it is in science when new discoveries, formulated within the flow of scientific experience, dramatically alter our interpretation of the natural world).

IV

The role of the state, for Oakeshott, is strictly limited. Unlike Burke, Oakeshott does not see the state existing to promote virtue, or someother lofty notion. Thus, Oakeshott's thought does not slip towards an unstated totalitarianism in the pursuit of a higher, mystical value. Rather, the *raison d' etre* of the state is to prevent the accumulation in society of great concentrations of power. In this respect, I think, Oakeshott is on a far better footing when he criticises socialism for leading to a strong, all-powerful state, than when he tries to maintain that as an ideology socialism is hopelessly abstract.

Oakeshott's central point, and I think that it contributes much to conservative thought, is that freedom or liberty can only exist if large concentrations of power are absent from society. However, what precise meaning do we attach to freedom? True to his imminent roots, Oakeshott sees freedom as something which happily exists in Britain, although it is not necessarily perfect. Thus he remarks: "the purpose of the inquiry is not to define a word, but to detect the secret of what we enjoy, to recognise what is hostile to it, and to discern where and how it may be enjoyed more fully." In emphasising that freedom is closely linked to our political experience, Oakeshott

performs a valuable, but perhaps not original, service; nevertheless, there is a tendency for this view to slip towards a rather passive intuition which encourages us merely to enjoy our inheritance and good fortune. Manifestly this attitude is dangerous: if we are to truly protect and value our inheritance we must surely employ our critical faculties to the full; and if we actually ask ourselves in what sense we think we are free and how this freedom is secured in tradition, do we not end up with a working definition of freedom? The alternative view, it appears to me, is to see freedom as chance: and this denies a primary human role in the development of freedom. Again, such a view is dangerous: if man's role is so peripheral how can he ever defend freedom? Of course, chance plays a part in the conduct of life, but we cannot, I hope, see chance as the main motivating force-- this is provided by the needs of man. Thus man, in examining tradition, is always examining the tradition of man: tradition is not a mystical concept divorced from the experience of man. This is the essence of Oakeshott's philosophy--- yet he applies this theory with crippling arrest when he examines the nature of freedom.

Oakeshott argues that the freedom we enjoy is made up from many specific liberties which inter-relate and compliment each other. To a substantial degree this is true, one would not expect to find the right to free speech, for instance, existing without other democratic rights such as the freedom of association or universal suffrage. Indeed, it is meaningful to look at freedom as a coherent whole: its components are not separate parts but critical elements all essential to liberty; if any one right is abrogated then the whole is

endangered, perhaps even moribund. However, is the underlying principle one of such absolute coherence? Surely, we can also argue that there is a relative tension within western democratic countries; different liberties can generate different demands and ultimately cause contradiction. The most extreme example would be the paradox of democracy: if we accept the principle of democracy are we also committed to any government which is elected in a democracy? What, for example, is a democrat to do if a marxist government is elected and committed to obviating traditional liberties? Oakeshott does not address himself to such difficulties.

As property is the main source of power, political and economic freedoms are synonymous to Oakeshott. F.A. Hayek is close to Oakeshott's position when he remarks that: "The gradual transformation of a rigidly organised hierachic system into one where men could at least attempt to shape their own life, where man gained the opportunity of knowing and choosing between forms of life, is closely associated with the growth of commerce." This is an important point as it rules out chance as the foundation of liberty and replaces it with a particular human need. It is on this association between economic and political freedom that Oakeshott rests his defence of the capitalist system: many, no doubt, criticise Oakeshott's theories as unefficacious by preventing the widest possible distribution of property which can only be acquired by socialistic means. Oakeshott's rebuttal is that any system which abolishes the market requires an intolerable level of state control, and this leads inevitably to servitude. Nevertheless, Oakeshott does not advocate unrestrained capitalism;

indeed he warns us about the danger of commercial monopolies, as well as governmental monopolies, becoming too powerful. Yet on the practical side Oakeshott gives us little indication of what can be considered "too powerful". When exactly does a persons free right to pursue property turn into an intolerable degree of power? This is a difficulty, but my main objection to Oakeshott's economic theory is that appears to be so negative. His central principle is that the government must guard against great accumulations of power springing-up. This, like much of Oakeshott's thought, deals scantily with the plight of the individual. Why not turn the question on its head and ask whether the government can help those individuals who exercise hardly no power as they wallow in the mire of social deprivation? This emphasis would make our practical approach to economic matters much more positive; it would also expunge the lingering sense of ambivalence many conservatives have to what is loosely called the welfare state.

V

Like Burke before him, Oakeshott sees tradition as the core of conservatism. However, Oakeshott does not find in tradition a set of tested rules: tradition is not the manifestation in the secular world of natural law. Therefore, proper conservative action is not concerned with correspondence to an ultimately external code of conduct; rather, political action ought to be concerned with coherence to an established, imminent tradition. This is, in essence, Oakeshott's fundamental thesis. Yet, we have observed very real practical difficulties with this view. Essentially, these difficulties can be summarised in the question "what can be considered coherent?" It is

because Oakeshott can never confidently face this question within the context of his imminent philosophy, that he slips into a passive reliance on inclination. In the end, Oakeshott accords to tradition a negative function: the ultimate expression of this comes both in his philosophical scepticism and in his assertion that conservatism ought to be considered a disposition.

Oakeshott's imminent conservatism fails because it attempts the impossible: no theory, least of all a conservative one, can get away from the primary function of judgement and interpretation. The question is not what tradition is-- which surely must be beyond our experience-- but what people think tradition is. Everywhere the first step is one of belief and not one of inevitable action dictated by "what the evidence obliges us to believe". For imminent conservatism to be credible, tradition would have to be absolute-- we could then just slavishly follow tradition. But for tradition to be absolute, immediate and independent, Oakeshott himself concedes, is impossible.

The almost inevitable vacuousness of Oakeshott's thought is seen in his argument that conservatism does not "travel well". For example, if we reduce the British political experience to a number of principles, it remains the British experience. To export these principles to South Africa, for instance, is nonsense because South Africa does not possess the same political experience to support such values. Frankly, I find this view totally one dimensional as it assumes man's ability to learn from experience is very limited indeed. Let us take the example of freedom as it is loosely understood in the west. Oakeshott's argument insists that tradition can only teach

in a positive fashion--- that is, if freedom exists in our tradition we can see it to be good. However, why cannot tradition teach in a negative fashion-- why can't the people of South Africa see that freedom is good because their tradition has shown them how appalling the alternative, racial tyranny, is? We can surely argue that there are a number of ways within tradition to reach a particular conclusion. If this is the case, conservatism may travel very well indeed.

Finally, we must ask ourselves whether it is satisfactory to restrict political experience to strict national boundaries, as Oakeshott does? No modern country exists completely independent of other nations or from other cultures. Given this, we must concede that political experience is not formed by purely parochial influences. Thus it is not specious to talk of a world wide bank of experience being built up by international influences, organisations (such as the United Nations) and by inter-continental communications. None of this denies the primacy of national identity, but if experience is to be seen as a whole it must be perceived in all its dimensions.

Essentially, Oakeshott's thought is weakest in its failure to act upon the distinction between personal experience and mere personal experience. Clearly, experience forms each mind individually, but this does not make it a merely personal phenomenon. Each mind is a world but each world is in the same universe. This is true both of individuals and of nations. Sadly, there is no room in Oakeshott's thought for the final, cosmic and unifying dimension because, quite simply, he sees philosophy as a pursuit we are incapable of performing.

NOTES

1. Julian H. Franklin. Book Review. "Rationalism in Politics, and Other Essays". The Journey of Philosophy. Vol 60, p.814.
2. Ibid., p.815.
3. Michael Oakeshott. Rationalism in Politics. New York: Basic Books, 1962. p.127.
4. Michael Oakeshott. Experience and its Modes. Cambridge University Press, 1933 (reprinted 1978). p.30.
5. R.E. Dowling. "Oakeshott's Theory of Reason, Tradition and Conservatism." The Australian Journal of Politics and History.
6. Ibid. p.54.
7. David McLellan. The Thought of Karl Marx. London: Macmillan, p.240.
8. Oakeshott. Experience and its Modes. p.107.
9. Dowling. p.59.
10. Oakeshott. Rationalism. p.40.
11. F.A Hayek. The Road to Serfdom. London: Routledge and Kegan Paul, 1944 (Reprinted 1979), p.11.

The world is blind and you belong to it.
You men on earth attribute every cause
To the celestial movements, as if they
Alone moved all things by necessity.

Dante Alighieri
The Divine Comedy

CHAPTER V

A MORE COHERENT CONSERVATISM.

Both Oakeshott and Burke devote much time to the question of rationalism. In Burke's case, rational conduct is that which utilises right reason in an attempt to correspond to tradition and natural law. According to Oakeshott, any action which is coherent with tradition is considered rational; moreover, the contention that one must give premeditated reasons for rational conduct is explicitly denied. Now, as remarked in earlier chapters, there are difficulties with both of these interpretations of reason. Essentially all objections can be reduced to the view that tradition can only function reliably for either Burke or Oakeshott if it is considered absolute. If tradition is not absolute, then agreement about what is likely to correspond to, or be coherent with, tradition will not be possible.

This penetrating weakness follows from the fact that Burke and Oakeshott are driven defensively towards the concept of tradition after their over-zealous attack on the abstract rationalism of their opponents. Tradition quickly assumes a primary role in their theories

without either being properly understood or developed. This is a consequence of defining rationalism in a very extreme way indeed: in fact, we are presented merely with a convincing refutation of extreme rationalism (that is, rationalism which claims to be based upon - and capable of - absolute and independent knowledge). Burke and Oakeshott both commit a cardinal error when they proceed to extrapolate from this partial critique and attempt to discredit the concept of rationalism in general. The result of this is that the theories of Burke and Oakeshott are heavily stamped with the rather feeble notion of disposition.

We can dwell on this point of conservatism as a disposition for a moment. Extreme rationalism is condemned - correctly - because it is divorced from experience, particularly the experience of tradition. However, Burke and Oakeshott can be criticised themselves for a specious commitment to traditional experience. A disposition is a mere superficial reaction to what is given in our world: it is primitive and undeveloped. This certainly does not mean that a disposition is never right; what we feel disposed to is frequently very good for us. Nevertheless, to discern the efficacy of a disposed feeling we must utilise our powers of volition and criticism. Only then can we have a firm and confident commitment to concepts first sympathetically perceived through a general, emotional disposition. The alternative is to argue that disposition can be used as a primary justification for various forms of political conduct. Such an argument surely builds the house of conservatism on a foundation of intellectual sand. It certainly must be stated that a disposition can never represent a

neutral state of rest for we are always faced with a critical choice between altering or maintaining a certain mode of behaviour.

11

We have reached a crucial point in this inquiry: rationalism, to be rationalism, need not be divorced from experience and tradition. Indeed, if we define moderate rationalism as a desire to question what is given in experience in an attempt to better understand it (leading to subsequent affirmation or rejection) it must be given a home in conservatism. If this is granted, we have reached a position where conservatism is no longer viewed principally as a reaction against rationalism per se. This leaves the way open for a significant injection of thought into conservatism: but this can only occur if we can find a satisfactory definition of rational conduct.

It should be remembered that Burke and Oakeshott did try to formulate an authentic theory of rational conduct. So we can say that it is proper for conservatism to seek a coherent definition of what can be considered rational political behaviour. Regrettably, the conservative theories of Burke and Oakeshott fail because they confuse a belief in absolute knowledge (the basis of extreme rationalism) with the rationalism expounded by many balanced non-conservative theorists. One such theorist today is Karl Popper, and his definition of rational conduct may well have a practical application for conservatism. Popper begins by denying that any knowledge can be absolute (and this contention is surely the first principle of conservatism). Popper asserts that no amount of data proves that an observable phenomenon will be repeated - without question - in the future. However, this

does not emasculate rational conduct, according to Popper, as it is possible to distinguish between verification and falsification. In the field of scientific discovery, for example, it has to be admitted that an hypothesis cannot be verified absolutely; nevertheless, it is possible to attempt to falsify an hypothesis. To take Bertrand Russell's famous example: no amount of past observation proves that the sun will rise again in the morning; yet it would only take one instance of the sun not rising to prove that the hypothesis that the sun will rise every morning is false.

Falsification, as a practical concept, takes us much further than Oakeshott's search for absolute experience. Whilst falsification certainly abandons the search for the absolute, it allows us to make sound and practical judgements. Oakeshott's greatest failing is his inability to offer us a satisfactory explanation of how we should behave given that the pursuit of philosophy - the quest for absolute experience - is probably beyond our potential achievement. Moreover, falsification is far more satisfying to a conservatism based on the rejection of perfect knowledge because it deliberately abandons the search for absolute experience.

Rational conduct, then, is that which takes what is given in experience and asks whether it is still appropriate to a particular situation. It is neither necessary to adopt a revolutionary prejudice against what is given in experience nor an unquestioning disposition in its favour. We are able to judge, according to Popper, whether what is given in experience is still appropriate by asking if it still satisfactorily meets a particular need. Rational conduct, in the

political sphere, places human needs first (such as the need for protection from physical harm, and the need for food, clothing and shelter) and asks not if a form of behaviour is ideologically sound but practically effective. Let us take a concrete example. Women were largely excluded as a group from the political life of Britain until after the First World War. If, at the time of emancipation, it had been required to prove the case for womens political equality, no progress would have been made as proof in this sense cannot exist. Fortunately, society is wise enough not to ask for such absolute verification. Rather the disenfranchisement of women, the given in experience at that time, is examined from a practical angle: could women not contribute much as a group to the nation (as Queen Victoria had contributed much as an individual)? And, significantly, society can ask the reactionaries: why are women denied the right to vote? Here, any argument based on naked disposition (i.e. they have never had it) is given no intrinsic authority.

It is at once apparant that falsification is always a very practical judgement. The given in experience is neither to be simply rejected nor accepted. Rather, rational conduct requires an open criticism of what we find in societal experience. The purpose of this criticism is to see if given forms of behaviour can still solve contemporary political problems. Have we now arrived at a more acceptable definition of tradition and its purpose within conservatism? Popper's theories may emasculate tradition in one sense (that is, if it is thought we should seek to correspond to a definitive tradition) but at least a value is placed upon what is given in experience as it

represents always our base data. However, even if we hijack Popper's theories, we still have no definite interpretation of tradition. If people do not agree about the actual character of tradition how can it be examined to see if it still meets present needs? Of course there is no absolute answer. Tradition, like other elements in our political experience, is itself a matter for debate. It is not fixed, it does not await mere discovery. If tradition is the tradition of man it must always be created by him. Only if tradition is seen as something which represents the independent will of God (or the material process of unalterable history) can it be absolute and thus beyond man's immediate experience.

111

The critical core of conservatism is the rejection of absolute knowledge. We can recall that both Burke and Oakeshott attacked extreme rationalism precisely because they saw it is an attempt to conduct political life by independent, scientific principles. A prudent conservative, then, will attack totalitarian ideologies not primarily because of the principles they promulgate (although he may well think them repugnant) but because they claim to be absolutely valid. The objection is that if one is confronted with such an ideology no intellectual exchange can take place if it is presupposed by its supporters that its validity is unquestionable. However, conservatism must draw the line here: if conservatism goes on to attack all rationalism, and not just the extreme rationalism which claims absolute knowledge, it will degenerate into a mere superstitious disposition. This is dangerous because it is ultimately impotent. If

we find satisfaction in some aspect of our political conduct we should not be merely passively disposed to it but truly motivated in a critical sense to its defence. Only a rational examination of our tradition will permit this for it is through criticism that we can reaffirm.

Because conservatism argues that knowledge cannot be proven in an absolute sense, it can leave itself vulnerable to a negative - that is unaffirmed - reliance on tradition. If this happens conservatism is overwhelmed by the puerile desire to preserve. We have already noted that mere preservation can only be credible if we believe in an absolute, and absolutely perceivable, tradition. The danger of this contention is obvious: just like totalitarian ideologies it can admit no error. Thus traditionalism - as distinct from conservatism - becomes an ideology devoted to preserving what is considered an absolutely set way of behaving. In such an ideology, criticism is recognised not as a friend but as a deadly enemy.

The notion of mere preservation is utterly unsatisfactory to conservatism. Conservatism ought to be concerned with protecting what Popper calls the 'Open Society'. The Open Society recognises that no knowledge can be absolute and therefore everything must be open to question. In our experience, Popper argues, it is the modern liberal democracy which recognises the essential role of criticism. If this is accepted, conservatism has as its core a belief in the efficacy of

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 democracy. In upholding the desirability of an open, democratic society, conservatism escapes the clutches of a mere disposition towards what may be considered traditional. In this context, if we are faced with the question of whether conservatism can exist in the Soviet Union or South Africa, we can emphatically deny that this is possible. Only if conservatism is defined as preservation could such a contention be true.

We must now face a crucial question: why protect the Open Society, and thus democracy, at all? If we are looking for an absolutely certain justification within conservatism then there is obviously no way out as we have burnt our boats with the denial of perfect knowledge. In the end we are reduced to a matter of belief as we abandon the childish search for certainty and the primitive security it is thought to bring. This is not a mere disposition: it is a critical judgement formed after the examination of what is given to us in experience. Of course, as the Open Society is not absolute it is itself subject to criticism: but such is our belief in its vitality we can be confident that it will benefit from any honest and constructive examination. Indeed we can go further: it is in the act of examination that the human input required to keep a system relevant to our needs is provided. A conservative has to acknowledge that we do

* For Popper, openness inevitably means that Governments will subject themselves to genuine review. As he writes 'there are only two kinds of governmental institutions, those which provide for change of the government without bloodshed, and those which do not. But if the government cannot be changed without bloodshed, it cannot, in most cases, be removed at all...I personally prefer to call the type of government which can be removed without violence "democracy", and the other "tyranny". 1

not live in a certain world and this ought to be a cause for celebration rather than infantile fear. It is the absence of certainty which allows for human creativity.

IV

Conservatism has to be seen as an ideology. More importantly, it has to see itself as an ideology. It cannot satisfactorily be considered a disposition; it is not a neutral place of rest divorced from the world of political theory. If it were a disposition it would be independent and absolute: it would be a lamp waiting to be uncovered within man. Experience shows us that man is disposed to many things: some internally conflicting, others differing from man to man. We really cannot talk in terms of a definitive disposition existing in an independent sense. Similarly, just as a sense of disposition within man cannot replace the notion of ideology, a social tradition offers no alternative harbour. Tradition can never be a separate entity: tradition is always and everywhere the tradition of man. Tradition is made by man and not man by tradition. Yet we can acknowledge that disposition, in a personal sense, and tradition in a social sense, are logical starting points. However, without rational conduct they can never be interpreted, developed, affirmed or rejected: indeed they cannot exist outside the consciousness of present-day man.

None of this denies the genuine pragmatism which runs through conservative thought. What has to be admitted is that to be pragmatic is still an ideological position. Pragmatism - if defined as the practical evaluation of the likely effects of any political action - is

essential for rational conduct. If it is accepted that Popper's definition of rational conduct is the most coherent so far offered, the act of leaving matters open to refutation automatically requires one to question the effects of a particular action. Conservatism does, then, differ considerably from rigid totalitarian ideologies which see themselves as perfect and permanent. Here ideology acts like an external skelton which permits no future evolution. Conservative ideology acts more like an internal skelton which gives a basic structure to our political behaviour while recognising the life-giving role of change and thus making evolution possible.

Regrettably, this attitude of mind has often been taken to represent weakness or arrant relativism. This view is only valid if conservatism is not attached to firm principles. The commitment to defend democratic rights is not undermined by a belief that, in the strict philosophical sense, democracy is not absolutely verifiable as the best regulator of political behaviour. No political theory can be verified absolutely. Rather, our commitment is firm: the love of democracy is not founded on the mere chance that as a political system it happens to be present in our tradition; critically we see democracy as necessary for an open, free society. If we follow Popper into his Open Society we are certainly not led into feebleness, as the following passage on tolerance illustrates:

'I do not imply that we should always suppress the utterance of intolerant philosophies; as long as we can counter them by rational argument and keep them in check by public opinion, suppression would certainly be most unwise. But we should claim the right to suppress them if necessary even by force; for it may

easily turn out that they are not prepared to meet us on the level of rational argument, but begin by denouncing all argument; they may forbid their followers to listen to rational argument, because it is deceptive, and teach them to answer arguments by the use of their fists or pistols.' 2

V

Conservatism, like all other political theories, has to consider in detail the proper role of the state. In its simplest form, the most important question for a conservative is what are the legitimate limits of state action? This question is usually addressed in relation to the economic role of the state (an area which inevitably includes many of man's practical, material needs); but it is equally valid, in a more cosmic sense, to consider if any limitations on temporal power are demanded by natural law.

As far as Burke and Oakeshott are concerned the state should be limited in economic matters to providing the optimum legal structure for the operation of the free market. Neither argues for any significant intervention. Burke thought that intervention worked against the divinely ordained laws of God and, therefore, would inevitably exacerbate suffering. Oakeshott is weary of the dangers presented by the concentration of economic power which is required by an interventionist state. Taking Burke's view first, the concept of a free market being naturally prescribed - and with it the fatalistic belief that poverty cannot be effectively alleviated - undoubtedly still permeates much of conservative thought today. Yet, it is difficult to see how the free market is in any way natural in an absolutely prescribed sense: the free market is a human affectation, it is man made and in no way a neutral state of affairs (as Oakeshott

warns - with many others - monopolies can build up and hence state regulation is required to maintain free markets). The free market, then, cannot enable the state to abdicate its economic responsibilities. If a free market system, once adequately defined, is to be advocated it must be critically justified and not merely regarded as the naturally given in experience.

Now, practically speaking, if conservatism - or any other theory - accepts as a matter of principle the permanent existence of poverty one of two conclusions is possible: at worst wicked economic exploitation will be condoned; at best a cold indifference will be displayed to the poor. While the latter may not actively encourage exploitation it will still go no way to convince critics that conservatism is anything other than a pragmatic apologia for the establishment. Conservatism will be seen, correctly, as an exclusive and hence divisive ideology: and those with a biblical bent will recall that 'Every Kingdom divided against itself is heading for ruin, and a household divided against itself collapses'³ Alternatively, if conservatism becomes critical and optimistic then this moribund course is avoided. Man, it can be argued, has already done much to subdue and dominate his economic environment, and there is no absolute reason why poverty, in this specific example, cannot be eventually vanquished.

Oakeshott eloquently argues that large concentrations of power threaten freedom. He also stresses that it is economic power which is the main source of power in society. Thus a wide distribution of property is to be encouraged through an economic system without

arbitrary constraints on ownership. As a result Oakeshott commends capitalism as being the surest defender of freedom. However, if this argument is not taken any further we are left with a rather diffident macro theory which has severe practical limitations. If economic power is the kernel of freedom, should the state not seek to actively prevent both unduly large and small concentrations of economic power? This is not an attempt to justify egalitarianism, but it is an attempt to establish the principle of government intervention in the economy. Thus, looking at the economy as a coherent whole, we can argue that just as a monopoly disables a free market, so too does an inordinate lack of economic power (poverty) disable individuals within a free market. Of course, the mode of intervention will often vary and in every case the practical effects of any intervention is the most important consideration. Conservatism ought to charge itself with the objective of giving meaning to Burke's assertion that the welfare of the poor is the main purpose of government. Using Oakeshott's terminology conservatism should try to make the whole more of a whole by making the individual more of an individual. Indeed we can restate this more forcefully: only a society with a holistic approach can hope to be free - fragmentation brings for the poor underfulfillment and discontent and for the rich indifference and a lack of social unity.

This dialectic, which seeks to reverse and improve the given in experience, is for Oakeshott the essence of conservatism. Regrettably, Oakeshott's commitment is a purely philosophic one; yet in practical economic matters it can be argued that this process has already established itself in a more critical sense in our tradition. As an

example we can take the widely held belief that an individual is entitled to the fruit of his own labour. If this went no further in reality than a belief that the individual has a right merely to the fruit of his labour as prescribed by a mecurial 'free market', it will be considered practically worthless. It would leave the door open for socialists who argue that capitalism denies property right through the exploitation of labour. Thus many have advocated legislation to guarantee a minimum wage and so establish more firmly the concept of property right within capitalist society.

It is essential to avoid absolute principles. The free market, for example, has to be defined and underwritten by society: in no way is it a neutral, spontaneous entity. Similarly, the very notion that an individual is entitled to the fruit of his own labour (once properly evaluated) is less than satisfactory as the sole basis for economic conduct. In one sense it is repugnant to think that Labour - intimately linked to the human person - is just another tradeable commodity. More importantly, the very division of labour requires always and everywhere an ordered society. A concept of individual duty to society has to be acknowledged for without society no civilized talents could ever be cultivated. Thus when speaking of economic freedom one should emphasise the need for a qualified freedom that takes into account the duties incumbant on anyone who enjoys societal existence.

VI

In considering, here, the place of natural law within Conservative thought it is best to avoid any general argument about its essential

validity. Rather, it is appropriate in this instance to be limited to an examination of the effect the acceptance or rejection of natural law has on the fabric of conservatism. In this respect, Burke and Oakeshott provide a convenient starting point because their differing views span a wide spectrum and thus appear to offer little scope for synthesis. Burke enthusiastically advocated a natural law theory firmly within the classical Christian tradition. Here temporal power is seen as merely declaratory and subservient to a higher moral principle. Thus the power of the state is limited. Oakeshott has little time for this theory, although, strictly speaking, he condemns it only because it claims a standard independent of immediate political experience. However, Oakeshott does concede that as a summary of Christian philosophy natural law is not without practical value. Nevertheless, Oakeshott thinks that only a fool will argue that forms of conduct not already established within a tradition can be suddenly created and made permanent by a legal declaration (such as Bill of Rights). On the one hand, then, we have the view that natural law provides an ultimate, universal criteria with which to judge the most important aspects of political conduct; and on the other hand a view that if natural law is in anyway coherent it is so only if it imminently exists within a particular tradition.

Oakeshott's view mirrors his conception of tradition. Although he pays little attention to the possibility of a number of traditions existing within one society, Oakeshott is parochial in the sense that he views traditions as being strictly limited to their place of origin. As observed earlier, this is a rather one-dimensional argument

as it inevitably maintains that tradition always teaches by positive experience. The likelihood of deprivation, or negative experience, leading people to a desired goal is not considered; nor is the possibility of there existing a world-wide bank of experience in the modern era. Burke's argument for some absolute standards - that is natural law - goes some way to breaking out of this one-dimensional world-view. Nevertheless, this aspect of Burke's thought has to be put in context. In particular, it has to be recognised that for Burke natural law was a logical part of a restricted and absolute conception of tradition. As a result, whilst Burke was innovative on matters such as British foreign policy, domestically his thought led to a deep and rather slothful self-satisfaction which in no way assisted the development of the modern state.

Many of those who have most strongly argued for natural law have regarded its existence as self-evident. In one respect this is an admission of defeat, as the existence of natural law can never be verified by any intellectual process - it must remain a matter of belief. Yet, the same is true of all world views - the first step is one of belief. If natural law is accepted it allows us to apply value judgement to what we see in our World. Oakeshott's dialectic becomes most appropriate in the sense that it argues for an imminent affirmation: man must create. To be useful, natural law has to be vibrant, critical and likely to nurture a more alert political consciousness. If it is considered absolute, as tradition is considered by some to be absolute, it is moribund for it will never be understood nor revered and hence never recreated nor reaffirmed in the

consciousness of modern man. Perhaps, then, the most coherent conception of natural law is that which sees it as a product of choice as man enters more fully into civilized consciousness: it is natural in a cerebral, not biological, sense. It is to be divorced entirely from unthinking traditionalism.

The denial of absolute knowledge does not make a belief in natural law unsustainable. But it does require that belief to be an immediate and constantly reaffirmed belief. Indeed, it is the absence of certainty which requires man to affirm natural law and make it an imminent, human concept. If this is accepted, natural law forms the basis of judgement in imminent conservatism. Of course, this judgement is never absolute. Yet within the manifest constraints placed on man it does allow him to make objective judgements - that is judgements which have not been falsified. This sense of objective value saves imminent conservatism from the pit of nihilism.

Natural law, if it exists in conservatism in this sense, is to be identified with man's ability to make rational judgements. It has to be associated with man's consciousness and when this consciousness is arrested, to a lesser or greater extent, then as a norm it will lose its effectiveness. In this respect one should not be surprised when regimes of unfathomable wretchedness, such as Nazi Germany, burn books and deny the free expression of art. Nevertheless, the one caveat is that this belief in objectivity is still a belief. If it were ever declared absolute then it would eventually lose its existential human character. Natural law, thus defined, is not a legalistic doctrine and one should shy away from any attempt to turn it into a form of

international positive law. Rather, those who uphold it should see natural law as the soul of civilisation. In this sense, to punish individuals for breaking natural law is always to be considered an extremely dubious undertaking for it is the whole of society that has transgressed when barbarity, in some measure, is favoured to civilised conduct.

Similarly, a written constitution (or a Bill of Rights) is never itself a distinct form of natural law. Oakeshott is correct when he argues that it is a reflection of what society thinks desirable at a particular time. However, as an expression of belief it is quite critical and may often be made in the face of fierce opposition (Oakeshott too readily assumes tradition to be uniform). Moreover, a written constitution may be considered a very necessary defence for natural law because it draws distinct boundaries. If anyone violates these boundaries their action is explicit. As a result society is at least given some defence against an insidious, piecemeal erosion of natural law. Ultimately, of course, if natural law is not associated with absolute traditionalism the door is always open for possible refutation.

VII

It is now appropriate to draw this study to its conclusion. Conservatism ought to be based on the rejection of absolute knowledge. Instead, conservatism turns to tradition and experience as guides for political conduct. Despite this, tradition and experience cannot be viewed simply as substitutes for rational conduct. Sadly, the serious weaknesses in the thought of both Burke and Oakeshott are a

consequence of such a belief. The most fundamental weakness is the uncritical, and hence undeveloped, reverence of tradition. Somewhat paradoxically, the rejection of absolute knowledge led Burke and Oakeshott to view tradition itself as an ultimately absolute concept. To Burke and Oakeshott this is justified by the practical identification of rationalism with absolute knowledge. The result is that rationalism - and not merely extreme rationalism - is dismissed because it is seen to strive for absolute verification. So strong is this tendency in Oakeshott's thought that on occasions he slips towards the pit of nihilism (that black-hole in the universe of man's consciousness). Yet, Popper has demonstrated that rationalism can alternatively be identified with the concept of falsification; and this provides a basis for practical rational judgement. Rationalism, to be rationalism, need not claim absolute validity; and as a concept it can compliment traditional experience.

The idea that conservatism is not an ideology must be rejected. Of course, this view has great convenience for those who dismiss rationalism in general; but to see conservatism as a neutral place of rest divorced from the world of political theories requires an absurd belief in an absolute disposition. This faith in disposition acts like an intellectual anaesthetic and inevitably places tradition, rather than man, at the centre of conservative thought. The danger here is that tradition, the state and even the economy, are seen as vague supra-natural entities not dependent on man.

Conservatism cannot merely be a liturgy for cave dwellers. The rejection of absolute knowledge must be viewed as man's great

opportunity to create for himself what is decent and fulfilling. T.S. Eliot (who studied the work of F.H. Bradley as a postgraduate student) express as it sublimely in the poem 'Ash Wednesday':

Because I do not hope to know again
 The infirm glory of the positive hour
 Because I do not think
 Because I know I shall not know
 The one veritable transitory power
 Because I cannot drink
 There, where trees flower, and springs
 flow, for there is nothing again

Because I know that time is always time
 And place is always and only place
 And what is actual is actual only for one time
 And only for one place
 I rejoice that things are as they are and
 I renounce the blessed face
 And renounce the voice
 Because I cannot hope to turn again
 Consequently I rejoice, having to construct something
 Upon which to rejoice. 4

Admittedly this is not for the faint hearted. Nevertheless, the evaluation of tradition - which is essential for its effective defence - requires a critical, existential theory. However, a concept of objectivity is not totally lost, but to be a relevant human entity it must be based on the principle of falsification and not on absolute verification. Natural law, when seen as an imminent human concept, can give conservatism considerable confidence in this respect for it serves as the basis of objective judgement. Yet it cannot be a supra-natural concept: it is a belief affirmed by man (although many religious minded people will agree that man is, if he is honest with himself, obliged to believe it).

Finally, the proper respect conservatives have for tradition should not be exaggerated to make tradition itself an absolute concept. Thus, traditionalism, which to be viable requires an arrest in human consciousness, can have no place in an imminent, critical conservatism. The mature conservative will view tradition as the basis of wisdom but not as a covenant of absolute precedent. The latter would require a belief in an absolute and uniform tradition. This is incoherent because within a particular country it will be recognised that more than one tradition may exist. So, the multiplicity of traditions can be part of a nation's experience and create distinct political imperatives (in the United States, for example, the diverse ethnic structure requires the principle of tolerance to be promoted for any genuine stability). Another dimension is added when we acknowledge that it is possible to speak of a worldwide tradition or bank of human experience. We live in a World where intercontinental communication, trade, intellectual and artistic discourse is now commonplace; and certainly the old world notion of utterly separate sovereign states is hardly consistent with the existence of various political and economic organisations spanning countries and continents. The final dimension, perhaps, is the realisation that - especially in the modern world - tradition can teach both in a negative and positive manner. As it is possible to cherish a given sense of freedom so too is it possible to hunger after an absent freedom.

A coherent conservatism, then, is not concerned with shielding man from the uncertainties of his world by idolizing an absolute form of political behaviour. Tradition is central to conservatism; but it

is recognised that tradition does not have a simple and unequivocal voice. It is a multi-dimensional concept: within any society there are various strands of tradition as well as genuine disagreements about their authentic character. The open society, where all of these strands compete in critical debate, is essential for the survival and advancement of freedom: absolutism - in all its forms - is everywhere the enemy. Thus man is required to critically perceive his world as it appears now, as it appeared in the past, and as it may appear in the future: this is how the past, present and future generations of mankind are truly united.

Notes

1. Ian Gilmour. Inside Right. Hutchinson, London 1977, p. 211-2.
2. K.R. Popper. The Open Society and its Enemies. Routledge and Kegan Paul, London 1945, Vol 11 p. 265.
3. The Jerusalem Bible. Darton, Longman and Todd, London 1974, Luke 11:17.
4. T.S. Eliot. Collected Poems. Faber and Faber, London 1974, p.95.

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