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Conservatism, Burke, and durable independence

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Conservatism, Burke, and durable independence

by

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A thesis submitted to the graduate faculty

in partial fulfillment of the requirements for the degree of

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ABSTRACT

The use of the category “conservative” is common and widespread both for political scientists and for the general public. Yet, there doesn’t appear to be a scholarly consensus, nor a consensus among the general public with regard to what the primary value of conservatism is. There does seem to be a consensus that the best historical archetypal conservative was Edmund Burke. This paper examines the politics of Burke and comes to the conclusion that the primary value that Burke promoted throughout his career was the value of “durable independence”. The paper also makes the case that there is some evidence to suggest that this type of conservatism is both still alive today in American politics, and that it is quite popular.

CHAPTER 1:

INTRODUCTION

“Conservative” is one of the most commonly used political terms in America. Little has changed since 1997 when historian Jerry Z. Muller wrote, “the word “conservative” is on many lips—whether as a label of honor or as an epithet.”¹ One finds it difficult to watch a cable news channel, listen to a political radio show, or read the editorial pages of a newspaper or magazine without “conservatives” being part of the discussion. Yet, for a word with such wide usage, a clear understanding of conservative ideology is remarkably elusive.

Common usage generally places conservatives within the Republican Party. Yet even within the GOP, debate is persistent and pitched about who is and who isn’t a conservative. The pejorative term RINO (Republican In Name Only) has become synonymous with *not* being a conservative (and therefore not a Republican).² Even the libertarian-leaning wing seems to prefer the label “constitutional conservative” over “classical liberal” or libertarian.³ Given these divergent understandings, even within the Republican Party, regarding the definition of conservatism, and, given the popularity of the term, discovering the roots of what it is that makes conservatism distinct from other ideologies seems a worthy undertaking.

¹ Jerry Z. Muller, *An Anthology of Social and Political Thought from Hume to the Present* (Princeton, NJ: Princeton University Press, 1997), vx.

² Nella Van Dyke and David S. Meyer, *Understanding the Tea Party Movement* (Burlington, VT: Ashgate Publishing, 2014), 113-116.

³ Rand Paul, *The Tea Party goes to Washington* (New York: Hachette Book Company, 2011), 105-129.

According to Samuel Huntington, an ideology is “a system of ideas concerned with the distribution of political and social values and acquiesced in by a significant social group.”⁴ This paper will use a similar understanding of ideology, however, the paper will assume that within each ideological system there is some particular value or idea that is dominant, such that, when situations arise in which one value conflicts with another, the value that is most consistently preferred over other values, is the primary value of the ideology and plays a major role in defining the ideology. For example, if freedom is valued more than the prevention of harm by a community, then they may not institute a law that requires people to wear seat belts while driving a car. If there are a series of decisions made by a community in which the value of freedom is chosen instead of some other potential value, then we could say freedom is their primary value, and that freedom defines their ideology.

Though there is a great diversity of opinion within any ideology as to what the ideology requires in each situation, the primary values that other ideologies seek to promote, and what actions they therefore require are fairly clear in the main:

Liberalism’s primary value is freedom. Promoting this value requires actions by the state which include enforcement of individual ownership rights and the necessary corollary rights which limit state action to protection against force and fraud.⁵ Liberalism generally takes the views that the *a priori* rights of individuals are paramount, and that consent must be given in order for the government to restrict individual freedom. When other values come into conflict with freedom, liberals tend to choose freedom.

⁴ Samuel P. Huntington, “Conservatism as an Ideology,” *The American Political Science Review* 51, no. 2 (Jun. 1957): 454.

⁵ Michael Sandel, ed., *Liberalism and its Critics* (New York: New York University Press, 1984)

Egalitarianism's primary value is equality. Equality requires, at the very least, equal access to most resources, equal concern from government officials, and equal power in government. There are a wide variety of formulations, but at its core, any form of egalitarianism will require government to aim for a high degree of equality among citizens, and will expect that all should be treated equally, aiming at a maximum degree of equal well-being.⁶

Traditionalism requires that citizens, officials, and public institutions, all aim to continue whatever traditions are currently being practiced. This is required of state governments as well as citizens.⁷

Religious Orthodoxy requires that citizens, officials, and public institutions practice and promote a particular religious practice or truth. Religious Orthodoxy is flexible in terms of what level of government it requires. Some may require only local government enforcement. Others may require state, national, or global government involvement.⁸

Institutionalism requires that citizens and officials only alter the structure of existing institutions if and when the continued existence of an institution is threatened, and then only altered to such a degree so as to stop that threat.⁹

Oligarchy requires that officials and state institutions protect the interests of those with large amounts of movable property, money, or capital, often by limiting political participation,

⁶ Bruce M. Landesman, "Egalitarianism," *Canadian Journal of Philosophy* 13, no. 1 (1983): 27-56.

⁷ George Soros, *The Age of Fallibility: Consequences of the War on Terror* (New York: PublicAffairs, 2006), 212.

⁸ Jerry Z. Muller, *An Anthology of Social and Political Thought from Hume to the Present* (Princeton, NJ: Princeton University Press, 1997), 4-5.

⁹ Samuel P. Huntington, "Conservatism as an Ideology," *The American Political Science Review* 51, no. 2 (Jun. 1957): 454-473.

guaranteeing the ability to conduct certain economic activities, and government assistance for corporations and the wealthy.¹⁰

This thesis will argue that none of these adequately describe what it is that defines conservatism. The thesis will make three separate arguments that work together to support a larger thesis. The larger thesis is that conservatism is a distinct ideology defined by the primary value of durable independence.¹¹ The three supporting arguments are that (1) traditional conservatism as expressed by the conservative archetype Edmond Burke is defined by the primary value of durable independence, (2) that durable independence as a primary value exists as a living tradition in American politics today both in rhetoric and in practice, and that the tradition of valuing durable independence has not been relegated only to the past, and (3) that the value of durable independence has a wide enough acceptance both within the Republican Party and among the citizenry at large to exist as one of the two dominant political ideologies in a dichotomous political system like that found in the United States.¹²

For these reasons, this thesis shall argue that when one refers to or claims the title of “conservative” in American politics; it is with reference to the primary value of durable independence they should be referring.

¹⁰ Aristotle, *Politics*: 1279b5.

¹¹ A more detailed definition of durable independence will come in Chapter 3, but the quick definition is the promotion of policies that reduce the reliance of the community and the individuals in it on chance and luck over the long term. In other words, it is the promotion of policies that reduce dependence on luck.

¹² The other dominant ideology is egalitarianism and is most often promoted by members of the Democratic Party. Neither party, of course, has a monopoly on the views of its members. So, there may be conservatives who are Democrats and egalitarians who are Republicans (not to mention a wide variety of other ideological leanings). However, if one looks at the ideology with the most members within the Democratic Party, and the types of policies they promote, egalitarians will be most numerous.

CHAPTER 2:

METHOD

This paper will make three supporting arguments to defend the larger thesis that conservatism should be defined by the primary value of independence, though the three arguments will not be wholly dependent on one another. Since each of the three arguments is largely independent, each will have its own methodology. The first argument makes the assumption that if we are going to define conservatism we should examine what conservatism has traditionally meant.

Scholars have used several methods in an effort to arrive at a satisfactory understanding of what defines conservatism. Those methods, for the most part, have had one of four starting places. They start either by identifying an individual ideal type, by identifying a group of acknowledged conservative principles, by describing certain common background conditions that produce conservatives, or by positing a unit idea that consists of one basic value that guides all others.¹³

While an initial inquiry may start at any one of the four points mentioned, ultimately, the inquiry should be able to support the other potential starting points. For example, one may configure a group of conservative principles, and then move to a group of conservative actors, ultimately identifying one or more of the actors as an archetypal embodiment of all the

¹³ Similar categories are used by David Y. Allen "Modern Conservatism: The Problem of Definition." *The Review of Politics* 43, no. 4 (Oct. 1981): 582-603.

principles. Alternatively, one could identify common socio-historical conditions that produce conservatives, and then move to identify who those conservatives were and how their principals and ideas are similar. Or, one could posit a single unit idea like “conserving the status quo”, and then move to various conservatives and show how all their principles and actions served to conserve the status quo. There are a number of reasonable methods to approach the problem, but the best method will be the one that has the most consensus in terms of its starting point, and also the one that can be applied the most consistently.

The method of this paper will be very similar to the path followed by Samuel Huntington when he attempted to define conservatism as an ideology.¹⁴ Nearly everyone who has undertaken the task of defining conservatism has considered Edmund Burke *the* archetypal conservative.¹⁵ Huntington began his inquiry with Edmund Burke. Next, Huntington derived a group of principles from Burke’s political thought and actions. Within this group of principles he found that they “all serve the over-riding purpose of justifying the established order” in terms of the current institutional arrangements at the time. (Later, I shall refer to this as institutionalism.)¹⁶

The method of this paper will begin by combining a unit idea with an archetype. First, in Chapter 2, the paper will identify and define a unit idea: durable independence. Then the paper will identify a conservative archetype: Edmond Burke. Next, in Chapter 3, the paper will offer a

¹⁴ Huntington, Samuel P. “Conservatism as an Ideology.” *The American Political Science Review* Vol. 51 # 2 (Jun. 1957): 454-473.

¹⁵ Virtually every source in this paper (Huntington, Kirk, Allen, Manheim, Auerbach, Muller, etc.) identifies Burke as a central conservative figure. It would be much more difficult to find someone who did not identify Burke as a conservative.

¹⁶ This is my terminology not Huntington’s. One of the things I noticed while doing the research was that institutionalism was often lumped together with traditionalism. However, I think it is important to draw a distinction between the two.

definition of the term durable independence. Then the paper will show how the unit idea of durable independence explains the vast majority of Burke's political thoughts and actions. The paper will do this in Chapter 4 by comparing the explanatory value of durable independence against other competing ideological explanations (Institutionalism, Traditionalism, Liberalism, Religious Orthodoxy, and support for Oligarchy), in an effort to both draw distinctions with regard to conservatism's unique requirements and to link the primary value of durable independence to Burke. For example, the paper will show how durable independence does a better job of explaining *why* Burke was cautious with regard to altering existing institutions, and under what conditions he thought we should alter existing institutions, rather than just state that his conservatism was defined by the fact that he supported existing institutions (as Huntington proposed).

This will conclude the argument for how conservatism should be defined using the traditional method. The second argument will be about whether this form of conservatism is still alive in practice today. If it is not still in practice today, then it may be the case that conservatism was once indeed defined by the primary value of durable independence, but that now, in practice, nobody thinks of conservatism in those terms, or even in Burkean terms.

The method for the second supporting argument, then, will be that in both action and rhetoric, mostly among Republicans of the past twenty or thirty years, the value of durable independence has played a dominant role in elections and politics. The paper will examine four issues that are operational examples of how durable independence has been promoted:

avoidance of corporate and social welfare at the federal level, reduced federal spending, avoidance of unnecessary military intervention, and limited immigration.

The paper will argue that politicians who refer to themselves as conservatives have rhetorically almost always promoted these four issues over the past twenty years, and that when they have taken rhetorical positions not consistent with these issues they have received very little support. This rhetorical support for issues which are likely to be those also supported by the value of durable independence shows that durable independence is very much a living tradition in American politics.

The third supporting argument that this paper will make is that durable independence has widespread support both within the Republican Party and with the larger citizenry, both in action and rhetoric.

Within the Republican Party the method I will use to show this is to argue that those who often appear to be supporting a different form of conservatism (Religious Orthodoxy, Laize Faire, or Neo/Oligarchic Conservatism) either (1) have almost no support within the party for their views in the case of Religious Orthodoxy and Laize Faire “conservatism”, or (2) when their policies come into conflict with durable independence there is a vocal political backlash within the Republican Party in the case of Neo/Oligarchic “conservatism”.

To briefly summarize the overall method: with regard to how conservatism has been traditionally defined the paper begins at the point where there is the most consensus—Edmund Burke—and develops and describes a set of actionable principles that are rooted in the primary value of independence. Then, the paper makes the argument that the value of durable

independence is likely still alive and well in American politics. Lastly, the paper argues that durable independence has a much wider appeal both rhetorically and in practice than other potential types of conservatism, and that because of all these arguments, when we refer to “conservatives” in America, we should be referring to those people whose primary value is durable independence.

CHAPTER 3:

DEFINING DURABLE INDEPENDENCE

The basic definition of *durable independence* is rooted in the biological process of life. A biological understanding of independence can be described something like this: *Independence is a relative state achieved by action that has the effect of reducing the chaotic movement of matter and subjecting it to an entity's will.* Understood this way, independence is measured on a continuous scale. The less an entity's state is subject to the chance and chaos of the surrounding environment, and the more control the entity has over the homeostatic environment contained within itself, the more independent the entity is. Given this definition, all life is an expression of independence. The regulation of an entity's body, procreation, and the replication of an entity's genetic material are actions that serve to increase an entity's relative state of independence and make it more durable. Independence, understood this way, in its most basic form, can be observed in the difference between living and non-living objects. And so long as we think living objects are more valuable than non-living ones by virtue of the living object's independence, we place normative weight on the achievement of more durable states of relative independence.

There are three basic principles that conservatism derives or assumes from the value of life. The first is the assumption that there is a creative force that made life possible. Edmond Burke—whose thoughts we will examine more closely in the next section of this paper—attributed the creative force of life to God. In doing so, Burke rejected skepticism and

materialism. Russell Kirk properly acknowledges Burke's basic position that acknowledging the creative force of God is necessary and that "The sentimental advocacy of indiscriminately generous human sympathies, or the prevalence of universal pity, cannot suffice to save a society which has denied its divine ordination."^{17 18}

Kirk ultimately forms a stronger more orthodox definition of conservatism with which this paper disagrees, but the basic foundation of acknowledgment of a higher power being the driving force behind life is the first principle of conservatism and it distinguishes it from a variety of skeptical and materialist ideologies.

Another principle that can be derived from understanding durable independence is the promotion of policies and structures that reduce arbitrariness via a willful prudence.

Independence is achieved when an entity has reduced the arbitrariness and chaos of the surrounding environment. States of independence exist on a spectrum. For humans, actions guided by passions, appetites and chance, fall on the arbitrary and bad end of the spectrum, while actions guided by reason and historical experience fall on the good end of the spectrum.¹⁹

Ultimately, independence is a state that is made, maintained, and defined by departure from

¹⁷ Russell Kirk, *The Conservative Mind* 7th ed. (Washington D.C.: Regency Publishing, 1953 (2001 printing)), 33.

¹⁸ "I have observed that the philosophers in order to insinuate their polluted atheism into young minds systematically flatter all their passions natural and unnatural. They explode or render odious or contemptible that class of virtues which restrain the appetite...In place of all this they substitute a virtue which they call humanity or benevolence. By this means their morality has no idea in it of restraint, or indeed of a distinct settled principle of any kind." —Burke to the Chevalier de Rivarol, 1791 (Wentworth Woodhouse Papers, Book I, 623)

¹⁹ They should be ordered by their probabilities of creating a durable independent state. So, a wise and prudent action will have a greater probability of success than one chosen by appetite or passion. This doesn't mean that much of the time appetites, passions and instincts produce durable independent states better than random luck. They do. Most life forms use a small amount of reason compared to humans, but the very fact that they are alive is good, even if their life is mostly determined by appetites, they just aren't as good as states created by reason, wisdom, and prudence, because actions guided by those virtues have a higher probability of reducing arbitrariness than appetites and passions and instincts do in most cases.

arbitrariness. Nonliving objects are guided by arbitrary chance. Living things are guided by reason, which, when combined with wisdom and prudence, can reduce arbitrariness.

For example, if a farmer experiences favorable weather one year and has a surplus of grain, a prudent farmer might build a silo in which to store the excess grain. This is an act of willful prudence that increases independence because it makes the farmer less dependent on the arbitrary actions of the weather in subsequent years. If a drought or flood ruins the next year's harvest, the farmer can maintain his relative well-being (a state of independence) with the grain he prudently stored away.

It is worth noting that independence falls on a practically infinite continuum. There is no material ideal that one can reach or realistically expect to meet (like there is with equality, for example). An entity either becomes more independent with any given action or less independent. The idea is to use reason and experience instead of chance to try to become more independent than one otherwise would have been if things were left solely up to chance, passions, or appetites.

The concept integral to defining *durable independence* is durability. Becoming independent for a short time is good, but staying relatively independent for a longer time is better. Because of this, conservatives recognize and value biological and social continuity. They recognize that we owe much of who we are to our biological and social ancestors, and the very fact that we exist was at least partially determined by the decisions ancestors made and the cultural practices they adopted. Burke, perhaps more clearly than anyone, understood the reality of this and admonished those who denied it: "thus the whole chain

and continuity of the commonwealth would be broke; no one generation could link with the other; men would become little better than the flies of a summer.”²⁰

This continuum creates *prima facie* obligations to the family and community into which one is born. This recognition allows conservatives to avoid moral relativism when it comes to different countries and cultures because conservatives believe each person has unique duties to their own community; past, present, and future. Society was not “a partnership in things subservient only to the gross animal existence of a temporary and perishable nature,” but instead “a partnership in all science, a partnership in all art, a partnership in every virtue, and in all perfection.” It was “a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.”²¹ This value of the continuity of life, the people and practices that have made it durable up to any particular time, and the people and practices that are likely to make it continue into the future, is at its core a value of durability with regard to independence.

²⁰Edmund Burke, *Reflections Works*, III. 357-359.

²¹ Edmund Burke, *Reflections*, Works, III, 359.

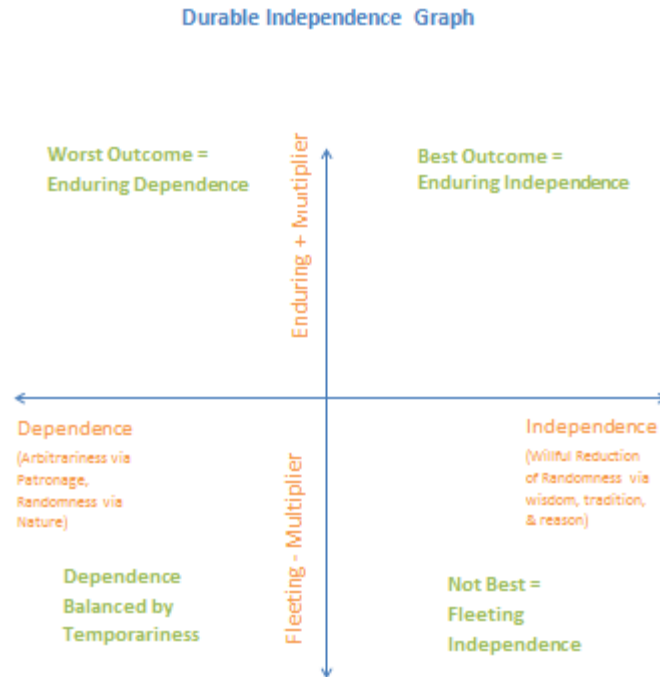


Figure 1. *Visual Representation of Durable Independence*

The concept of durable independence is displayed visually in the graph above. The horizontal axis shows the degree of dependence vs. independence and the vertical axis is a durability multiplier. The states that fall in the top right quadrant would be those that express a high amount of independence and who do so for a long period of time. The states that fall in the top left quadrant would be the worst outcomes. Slavery that persists for many generations would be an example of an institution that belongs in the top left because people would be living in a state of dependence for long periods of time. Revolutions that produce short-term results would fall in the lower right quadrant. While such revolutions may be good if they remove people from a state of enduring dependence, that goodness is tempered if the independence is short-lived. The occupiers of the bottom left quadrant are often children or people in need of temporary aid. They are dependent,

but it is short-lasting, and ultimately, in an ideal world, they take steps to move toward the top right quadrant.

Also connected to the value of durability is a value for institutions. Individuals and families come and go, but institutions have the potential to make society more durable. Conservatives value institutions for this reason, especially if those institutions are aiming to make people become more independent than they otherwise would have been without the institutions in place. In other words, if those institutions attempt to reduce the arbitrariness of the world, or peoples' appetites and passions (which are more likely to lead to arbitrary states) then they will be very important institutions for conservatives. And if conservatives seek to change an institution, it would only be when the institution had become subject to an unacceptable amount of arbitrariness, either by lack of prudence, or by excessive passion, or appetites.

None of the principles derived from the value of durable independence so far have been especially unique to modern conservatism. Before the modern period, many philosophers valued God's creative force, and valued prudence, hereditary and social ties, and durable government institutions. Other periods also reviled arbitrariness and decisions driven by passion and appetites. And none seemed to place a high value on short-lived institutions (if there is such a thing). We might call these values "classical" conservatism.

One of the unique features that distinguish Burke's thought—and the feature that helps make his thought modern—is Burke's recognition that money should be valued as a way to promote durable independence. In classical thought, money wasn't something to be

valued the same way a title to land or office was. There was nothing particularly virtuous about money. What Burke realized, however, was that money not only could be used as a simple means to commensurate exchange in the Aristotelean sense, but that money and freer trade held the potential to make independence more durable.

If, for example, we take the farmer from earlier in this paper, we can see how this works in practice. If in a given year the farmer produces a surplus crop, yet in some other part of the world there is a drought, the farmer can sell their surplus grain in exchange for money. Then, if the farmer's situation is reversed the next year, the farmer can take the money that he saved from selling his surplus grain the previous year and purchase the grain he needs on the market. In addition to this, if the farmer instead needed medicine, or machinery, or some other service that would enhance the independence and well-being of his family, then he could spend his money on that as well.

Looking at money in this way might seem very obvious for some, but it is important to note that for conservatives the value of money isn't derived from an *a priori* right. The value of money is rooted in the money's potential to make independence more durable.

To sum up, there is one primary value derived from the recognition of the value of life: *durable independence*. There are three basic principles used by Burke that explain durable independence. The first (1) is acknowledgement that life was created by God. The second (2) is that both internal and external states produced by arbitrary, passionate, and appetite-driven processes are bad and that states produced via reason and prudence, which reduce arbitrary states that would have otherwise been present, are good. The third (3) is

that durability, with regard to independence, is good. Valuing durability leads to three sub-principles. (3.1) Humans exist in a biological and social continuum, not as isolated individuals, and that is good because it makes our independence more durable. (3.2) Institutions can serve to increase the wisdom and prudence of society which in turn enhance the durability of independence. (3.3) Money has the potential to make independence more durable as well by acting as a potential storage mechanism for independence.

CHAPTER 4:

CONSERVATIVE DISTINCTIONS

Conservatism's Coherence

There are those who reject that there is a consistent, or coherent, conservative ideology. Their view is that conservatism is sometimes one thing, sometimes another, and that because of this, conservatism is either an illusion, or has no consistent guiding principle or set of ideas. Others think conservatism is just an attitude. Their arguments all boil down to the opinion that conservatism is internally incoherent and therefore has no primary value that it is promoting.

Morton Auerbach argues that conservatism has historically tried to represent itself as an ideology that supports Platonic harmony, but that Burke could not, while remaining consistent, deny the cause of French Revolution while defending the Glorious Revolution of 1688 in England. In order to support the theory that Burke adhered to a form of Platonic harmony, Auerbach mostly references Burke's single work on aesthetic philosophy, and occasionally references Burke's satirical work.²² These are not the best sources from which to understand Burke's thought, however, because one must either subjectively transfer Burke's aesthetic philosophy to politics in the first case, or interpret what is ultimately a work of literature that can have multiple interpretations with regard to specifics (though the general message is quite clear) in the second case. Ultimately, Auerbach glosses over

²² Morton M. Auerbach, *The Conservative Illusion* (New York: Columbia University Press, 1959), 31-68.

the fact that Burke never referred to Plato positively in his writings, and instead preferred a more Aristocratic approach to politics.²³ It apparently never occurred to Auerbach that it wasn't that Burke was being inconsistent with his politics, but just that Auerbach had completely misinterpreted Burke. If Burke was not a Platonist, one would not expect his politics to be consistent with Platonic harmony. That doesn't mean that conservatism doesn't exist and is just an illusion, as Auerbach asserts. It just means that Auerbach failed to properly identify conservatism's basic principles, or primary idea. Essentially, Auerbach simultaneously describes Burke as a traditionalist and as someone who wants to preserve his primary value of Platonic harmony, yet Auerbach also describes Burke as a liberal. It is fairly clear that Burke was not a Platonist, but if we assume that Burke was still a traditionalist (defending Britain's institutions instead of harmony, perhaps) then it still could be that Burke is being inconsistent with his (supposedly) liberal values, and that there is a tension between Burke's traditionalism and liberalism.

Alasdair MacIntyre adopts this point of view:

Traditions, when vital, embody continuities of conflict. Indeed, when a tradition becomes Burkean, it is always dying or dead.

The individualism of modernity could of course find no use for the notion of tradition within its own conceptual scheme except as an adversary notion; it therefore all too willingly

²³ Burke refers positively to Aristotle throughout his career and a close examination reveals a much stronger connection to Aristotle's thought than Plato's. Other scholars have thought so as well: Leo Strauss, *Natural Right & History* (Chicago, IL: University of Chicago Press, 1953), 303. Also see: Ross Hoffman, J.S. Ed. *Burke's Politics: Selected Writing and Speeches* (New York: Knopf, 1949), Xvi.

abandoned it to the Burkeans, who, faithful to Burke's own allegiance, tried to combine adherence in politics to a conception of tradition which would vindicate the oligarchical revolution of property of 1688 and adherence in economics to the doctrine and institutions of the free market. The theoretical incoherence of this mismatch did not deprive it of ideological usefulness. But the outcome has been that modern conservatives are for the most part engaged in conserving only older rather than later versions of individual liberalism. Their own core doctrine is as liberal and individualistic as that of self-avowed liberals.²⁴

According to MacIntyre, Burke cannot coherently support both the traditions that would vindicate the Revolution of 1688 and free market economics. My view is that Burke was neither a liberal nor a traditionalist. Let's discuss the traditionalist argument first. Traditionalism, in order to be coherent, must preserve the traditions and basic public policy that is presently in place. What MacIntyre recognized is that nowadays "conservatives" have resorted to trying to revive an older form of liberalism, and essentially become reactionaries. When that happens there is no continuity of tradition. The tradition is already dead. I would add that this type of traditionalism cannot be a coherent ideology anyway because there is no guiding principle or idea that points to exactly what point in the past we should revive. Without that guiding principle, two sets of traditionalists can simultaneously promote opposite policies from various points in the past while both claim to be traditionalists.

²⁴ Alasdair MacIntyre, *After Virtue* (Notre Dame, IN: University of Notre Dame Press, 1981), 222.

For example, in the early days of America there were no federal restrictions on alcohol. Then, for a time, we had federal prohibition of alcohol. Still later, we abolished the prohibition. If a traditionalist was going to use traditionalism to help them decide whether or not we should prohibit alcohol at the federal level, the traditionalist would have no guidance from their ideology at all unless their policy is to always keep whatever policy happens to be in place at the moment. There are traditionalists of this type. People who simply do not like change at all. Burke was not one of those people, though. He advocated changing the court's role in elections²⁵, expanding representation to Americans²⁶, changing laws against persecution of Catholics²⁷, and freer trade policies²⁸, among other things. It is impossible to call Burke a traditionalist in this sense. He advocated for change in policy quite often.

The question now arises, if Burke was a conservative, but wasn't a Platonist who valued social harmony above all else, and he wasn't a traditionalist who opposed all change from the present, yet he still had a coherent ideology, what could explain his actions? I will answer this in due time, but the reasons put forth thus far that declare Burkean conservatism inconsistent or incoherent because it is Platonistic or traditionalistic have not held up. I have yet to show conservatism's consistency, but it is not inconsistent for Platonic or traditionalistic reasons.

²⁵ Edmund Burke, *Thoughts on the Cause of the Present Discontents*, Works, I, 433-537.

²⁶ Edmund Burke, *Conciliation*, Works, II, 99-187.

²⁷ Edmund Burke, Works, VI, 301-360.

²⁸ Edmund Burke, *Two Letters...Trade of Ireland*, Works, II, 247-264.

Distinctions between Religious Orthodoxy, Liberalism and Conservatism

Thus far, I have defined durable independence and examined the views of those who deny conservatism's coherence. Now I will discuss the views of those who accept that there is a consistent and coherent ideology of Burkean conservatism, but who disagree about whether or not durable independence is the primary value of Burkean conservatism.

The best known proponent of the religious orthodox view of Burkean conservatism is Russell Kirk. In Kirk's book *Conservative Mind* he makes a strong case that in Burke's view, religious institutions and the state itself are ordained by God.²⁹ I have no objection with this interpretation of Burke in its weaker form, but Kirk wishes to make a stronger case than simply God created life and that society should provide for religious institutions.

While Burke would sometimes refer to providence as an explanation for outcomes, he was much more focused on earthly utility, and much more modest with regard to the dictates of God than Kirk makes him out be. Muller explains the difference between Burke's view and the orthodoxy view well in this passage: "The orthodox theoretician defends existing institutions because they are metaphysically *true*: the truth claimed may be based on particular revelation or on natural laws purportedly accessible to all rational men, it may be religious or secular in origin. The conservative defends existing institutions because their very existence creates a presumption that they have served some useful function..."³⁰ Kirk, and other proponents of the religious orthodox position, fail to recognize that Burke, while

²⁹ Russell Kirk, *The Conservative Mind: From Burke to Elliot* 7th Revised Edition (Washington D.C. Regency Publishing 1953 (2001 printing)), 23-37.

³⁰ Jerry Z. Muller, *An Anthology of Social and Political Thought from Hume to the Present* (Princeton, NJ: Princeton University Press, 1997), 5.

a Christian, almost always defended his positions on the grounds of their earthly utility, not on the grounds that the government should be helping people aim at heavenly happiness in the afterlife.

Conservatives tend to acknowledge the existence of a transcendental order, yet tend to be very modest when attempting to implement that order through the government. Conservatives support long lasting religious institutions, yet allow for a plurality of such institutions. This account helps explain why Burke offered his support for Catholics in Ireland, when, on an orthodox account of conservatism, Burke should have been supporting the punitive laws that had been in effect as a way to push Catholics away from their religion and toward the Church of England. In speaking against the anti-papery laws in Ireland, Burke said “For the Protestant religion, nor (I speak it with reverence, I am sure) the truth of our common Christianity, is not so clear as this proposition: That all men, at least the majority of men in society, ought to enjoy the common advantages of it.”³¹ In other words, there are certain basic principles dealing with common goods that we know more clearly than precise Christian truths. Even Kirk admits that in Burke’s view “Christianity is the highest of religions; but every sincere mundane order is a recognition of divine purpose in the universe...”³² This is hardly an orthodox or fundamentalist view of religion’s role in government.³³ It is difficult to imagine the fundamentalists in America today agreeing that

³¹ Edmund Burke, Works VI, pgs, 301-360. Also see Ross Hoffman, J.S. Ed. *Burke’s Politics: Selected Writing and Speeches* (New York: Knopf, 1949), 157.

³² Russell Kirk, *The Conservative Mind: From Burke to Elliot* 7th Revised Edition (Washington D.C. Regency Publishing 1953 (2001 printing)), 33.

³³ Also see: Andrew Sullivan, *The Conservative Soul* (New York: Harper Collins, 2006). Sullivan essentially focuses his entire book on this topic and does a thorough job of delineating just where conservatism comes down on this issue.

other religions are good, but Christianity is just better. What they tend to argue is that Christianity is true and other religions are false, and, that therefore the government should play a significant role in promoting only that truth.

Burke supported the Church of England, but it is best to look at the reasons Burke defends the English Church as given by himself. "The people of England think that they have constitutional motives, as well as religious, against any project of turning their independent clergy into ecclesiastical pensioners of state. They tremble for their liberty, from the influence of a clergy dependent on the crown; they tremble for the public tranquility, for the disorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore made their Church, like their king and their nobility, independent."³⁴ Burke's practical reason for defending the structure of the Church of England was to maintain the church's independence. In this we see a consistent value. First, there is the value that life is a form of independence and an assumption that it was provided for by God. The second is that religious institutions should be arranged to be as independent as possible as well. Durable independence underlies both these positions.

For Burke, religious institutions are necessary for civil society and they should be as independent and durable as possible, but we should allow other religious institutions if they are long-established because they have proved themselves useful at promoting independence for a political community. These views are not the views of fundamentalism or religious orthodoxy. They require something quite different.

³⁴ Edmund Burke, Works, III, 64-65.

They also create a unique flexibility with regard to public policy. Take the issue of gay marriage, for example. Using the current rhetoric in American politics, the “conservative” position with regard to whether or not to allow gay couples to marry is to oppose it. I will set to one side the legal debates, and instead focus purely on the policy debate. The question before us is whether to allow gay marriage or not. And we want to know what sort of guidance conservatism might offer with regard to this question.

The religious orthodox view is fairly simple and is something like: Our religion says that gay marriage is bad or forbidden, and so we should use the law to forbid gay marriage.

This is not, however, the conservative position. While conservatives do acknowledge that religion and metaphysics exist, conservatives are modest when it comes to man’s ability to understand and/or implement these principles through government. So, while conservatives may agree that gay marriage is banned by the dominant religion, perhaps even their own religion, they will seek reasons for legislating for or against it, that are different than a direct appeal to religious orthodoxy.

One might expect a conservative to take a similar tack that Burke took with the oppression of Catholics. It might be true that a conservative’s religious faith says that gay marriage is wrong, but a conservative might see other benefits that could come about by allowing it. If (1) a conservative thought that we have had laws against gay marriage for some time and the laws still hadn’t prevented people from being gay (2) there might be some benefit gained by allowing gay marriage (monogamy, increased wealth, decreased social services, for example), and (3) the policy didn’t depart too far from the way things

have worked up until this point in time, then a conservative might be open to a policy change (though they certainly wouldn't be obligated).

As one can see, conservatism has a unique and flexible approach, and at no point does it declare that gay couples have a right to marry. Marriage is simply a privilege that can be granted or taken away based on the circumstances.

If we shift to the liberal argument for gay marriage, we see a much different approach. Liberalism, or libertarianism, is rooted in freedom. Liberals argue that freedom dictates that every person has a right to make a contract and if two men or two women want to enter into a marriage contract then they shouldn't be denied that right as long as it doesn't infringe on anyone else's rights. Usually understood as a form of J.S. Mill's harm principle, if there isn't direct harm to someone else involved, liberals believe people have a right to do as they wish.

Conservatives, too, have a long history in the modern era of supporting contracts, but contracts are not viewed as a right. Enforcement of contracts by the government, conservatives would say, on the whole have been very useful at enlarging everyone's independence over time, but some contracts are rightly forbidden, like, for example, selling votes or bodily organs, because contracts of this sort are believed to have detrimental effects on the people involved or the community as a whole. A judgment has to be made for conservatives about what the effects of allowing gay marriage will be. In essence, conservatives would not agree that citizens have contract rights that exist outside of civilization, only that consistently enforcing most contracts has usually produced good

results. So conservatives believe contracts should be promoted and protected by the government in most cases, but if there is some evidence that disallowing gay marriage contracts will have positive benefits, conservatives have no problem restricting those contracts the way liberals do.

Perhaps the most popular argument for gay marriage comes from egalitarians, though. The egalitarian argument says that we must treat similarly situated people similarly, and that gay marriage is similar enough to traditional marriage to be treated the same. This public argument (and sometimes legal argument) often draws parallels between the similar treatment we give men and women even though they are not equal. This is occasionally a point of confusion among conservatives because sometimes conservatives concede that, yes, men and women should be treated the same under the law, sometimes even conceding the “right” of women to be treated equally.

A conservative would never concede a right of equality for any group of people. Conservatives may admit, and even promote laws that protect access to schools and employment for certain groups, but the reason for that promotion is always because said laws would promote independence for the groups in question. So, for example, a conservative may approve of a law that grants access to women for law school admission because women ought to be able to get jobs as lawyers as means of supporting themselves and their families, if there are not negative consequences for doing so. That doesn’t mean that women are equal to men, or that admissions standards should be adopted to reflect

the percentage of women in the community (as egalitarian supporters of affirmative action might contend).

Nevertheless, conservatism does have a limited component that can often be viewed as egalitarian. Conservatives believe that government is only justified if all its members are more independent than they otherwise would have been, and that every person has the ability to pass judgment on whether the government is doing an acceptable job or not. This is often viewed in terms that suggest humans are all equally capable of such activities. From the conservative view, though, basic political judgment is best viewed as a threshold that the vast majority of people have crossed rather than an equal position people are in. It is not that everyone is equally capable. They most certainly are not. It is just that, from the conservative point of view, the vast majority of people have crossed the minimum threshold required to make a very basic determination on whether the government is being run well or not.

So, while all individuals are not equal in the eyes of conservatives, they all may be afforded the “equal right” to vote to remove officials from office, whether the voters are male, female, straight, gay, smart or dumb, because they all, by virtue of being human, have crossed the minimum threshold required to do so. But an appeal from gays that they should be treated equally, from a conservative point of view, makes no sense with regard to marriage, though it may make sense with regard to voting, or some other issue on which the fact they were gay wasn’t a distinguishing characteristic of the matter at hand. For

conservatives, gay marriage is substantively different than straight marriage. Though gay marriage may be allowed or not allowed, it isn't equal.

Conservatism is also sometimes confused with traditionalism. There are an infinite set of responses a traditionalist might have to gay marriage, I will discuss the one I judge to be the most important. The first traditionalist response to gay marriage might be something like: "Since the founding of this country marriage has only been recognized between a man and a woman and so we shouldn't change this policy now because a handful of gay couples are inconvenienced by it." In other words, there is an implied position that things are going well in the political community, and have been for a while, and we don't want to screw things up by messing with something important like marriage.

While it is true that conservatives, in practice, often adopt similar political positions as traditionalists, and indeed, generally oppose drastic departures from traditions which have generally produced good results and increased independence for the community, conservatives have done so for strictly consequentialist reasons. With regard to gay marriage, conservatives would be careful not to mess up a system of marriage that may have acted as the foundation of much of the independence our political community possesses.

In practice conservatives and traditionalists may be brought close together if the debate is being held at the national level. A conservative would be far more likely to oppose a national level change, rather than change at the state level. It is perfectly consistent for a conservative to oppose recognition of gay marriage at the national level, and to be in favor

of it at the state level because the consequences are what matter to the conservative, and the conservative retains the power to change the law if there are discernible negative consequences. Conservatives are generally too modest to make a wide reaching change if a more narrow change can be made and then observed, first. So, at the national level in America, the correlation between conservative public policy and traditionalist public policy can be quite high. Nevertheless, the rationale behind the policies in question is quite different and should not be confused.

Andrew Sullivan, a conservative who argues for a similar understanding of conservatism that this paper does, frames the conservative approach to gay marriage this way, “A conservative in government expects such changes in society as time goes by. His job is to accommodate them to existing institutions. He might come up with a solution like civil unions; or, worried that setting up a less demanding institution might undermine marriage, he might argue for co-opting gay couples into the existing social institution in one fell swoop. He might think it is wise to try this out in a few states first. But he will understand that some adjustment is necessary because the world changes, and the job of the conservative is to adjust to such changes as soberly and prudently as possible.

“Notice what this isn’t. It’s not a declaration about the ultimate morality or otherwise of marriages for gay couples. That is left to the churches or synagogues or mosques or university seminars. It’s not an assertion that gay couples have a God-given or naturally required “right” to marry, as some liberals might argue.”³⁵

³⁵ Andrew Sullivan, *The Conservative Soul* (New York: Harper Collins, 2006), 269.

Putting the example of gay marriage aside, it is also possible that there could be some confusion with regard to the difference between how a conservative treats independence, and how civic republicans and early liberals like Locke treated it. There are two key differences between conservatives and others with regard to their understandings of independence. The first is that the conservative understanding of independence is more expansive. All agree, for example, that not being subject to the arbitrary will of another is a form of independence. Or, perhaps more precisely, if one finds themselves subject to the arbitrary will of someone else, then they find themselves in a state of dependence. But conservatives place a much stronger emphasis on the avoidance of arbitrariness, rather than on the subjection to another's will. For example, if history had shown that placing a large amount of power in the hands of a monarchy had served to reduce the amount of arbitrariness in a community, then a conservative may support monarchy in that particular case. I don't think would be the case for civic republicans, or most liberals.

The second difference is that conservatives not only consider domination by the arbitrariness of other people, but also of nature itself. Reducing the arbitrariness of nature can be just as important as ensuring that the base appetites and whims of an all-powerful ruler to not dominate the members of the political community. For this reason, conservatives may support a wide variety of public works projects if they, for example, provide a more stable food and water supply, or more dependable transportation, or they reduce disease. They may support insurance programs to help reduce the ill effects of bad luck, or economic schemes like central banks and property laws that have been shown to reduce aggregate arbitrariness or mitigate the effects of natural disasters. None of this

support is defended by way of *a priori* rights as a liberal might claim, or a specific political structure as the civic republican might claim, even if, simply by the way things turned out, conservatives generally think that property best operates very similar to the way a liberal would have it, and that monarchs and aristocracies are usually not the best way to reduce arbitrariness for the political community.

So while early liberals and civic republicans and conservatives might all agree that being subject to the arbitrary will of another is bad, liberals would claim that it is bad because in the state of nature we were not subject to the arbitrary will of another. Conservatives would not say that. What they would say is that government is instituted in order to help reduce arbitrariness, especially the arbitrariness of nature, therefore, if whatever government we are a part of produces *more* arbitrariness, then what the government is doing is wrong because it goes against the very purpose of instituting government in the first place. Given the context of history, this aligns nicely with the view of civic republicans and non-domination; however, conservatism has a much more expansive view of independence and includes the reduction of both the arbitrariness of rulers and the arbitrariness of nature. One would probably not be out of line to consider conservatism an evolved form of civic republicanism, but it is essential that the recognition of non-domination be extended to nature in the case of conservatism.

Distinction between Institutionalism

Aside from religious orthodoxy, one of the most popular definitions of conservatism in the scholarly literature equates conservatism to institutionalism. The clearest and best case for this understanding was made by Samuel Huntington. Huntington's argument is that conservatism is an ideology that tries to preserve existing political institutions, whatever they may be, and only accepts change if the change itself is made in order to preserve the existing institutions. In Huntington's words "Thus, conservatism is that system of ideas employed to justify any established social order, no matter where or when it exists, against any fundamental challenge to its nature or being, no matter from what quarter." And later, Huntington gives us the conditions under which conservatives may support change, "Indeed, in order to preserve the fundamental elements of society, it may be necessary to acquiesce in change on secondary issues." And later, we also get, "A presumption exists "in favor of any settled scheme of government against any untried project...[Burke quote]" Man's hopes are high, but his vision is short. Efforts to remedy existing evils usually result in even greater ones."³⁶

Before I address Huntington's institutionalist definition, I must diverge for a moment and unpack some of Burke's understandings of other words like liberty, happiness, and utility. Happiness, in the sense Burke uses it, shouldn't be thought of in terms of Benthamite pleasure. No Burkean scholar I have read understands it this way. The best way to interpret happiness is similar to Aristotle's understanding of a flourishing life. So in Burke's view, government should aim to promote flourishing lives for its citizens. Utility also should not be mistaken for

³⁶ Samuel Huntington, "Conservatism as an Ideology." *The American Political Science Review* 51, no. 2 (Jun. 1957), 454-473.

utilitarianism. Instead, what Burke means is simply that government should do what works. Simply aiming to promote flourishing lives is not enough to fulfill the government's mandate; it must also establish institutions and policies that actually produce more flourishing lives than there otherwise would have been without such institutions and policies.

Theoretically, liberty was the value that Englishmen cherished which led them to live flourishing lives. And the tangible thing that Englishmen used to measure their liberty was usually money. "Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness." "It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the election of magistrates, or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise."³⁷ While Burke roots his value of money in the conventions of the English people and not theory, the result is exactly what we would expect from a conservative who recognizes the fact that money holds the potential to make independence more durable, and as a consequence, make life better for the public. In this sense, Burkean liberty becomes synonymous with durable independence. They both require institutions, money, and a value of social continuity in order to ultimately make a better political community over the long run.³⁸

³⁷ Edmund Burke, Works, II, 120-121.

³⁸ For a good, though incomplete, summary of Burkean liberty see *Correspondence*, III, 102-121. This is a letter Burke wrote to French acquaintance, M. Dupont that summarizes and encapsulates Burke's broad concept of liberty. "This kind of liberty is but another name for justice; ascertained by wise laws, and secured by well-constructed institutions." "Liberty is a *social* freedom." "It is not solitary, unconnected, individual, selfish liberty, as if every man was to regulate the whole of his conduct by his own will." In these few quotes we see prudence, institutions, and continuity, all incorporated into liberty. Combine these with money, and liberty is very close to

With Burke's understanding of liberty more firmly established, let's examine the problem with Huntington's definition of conservatism as a form of institutionalism. An institutionalist conservative must always try to preserve the current institutional arrangement unless the institution itself will otherwise collapse. In the case of Burke, if we adopt the institutionalist explanation of conservatism, we would expect Burke to only accept major changes to the British constitution if the system itself was fundamentally threatened, yet Burke suggested that the constitution be altered in order to accommodate the demands of American colonists for representation. Consider this quote with regard to the American colonists, and whether it has at its core the ideals of an institutionalist, "Our late experience has taught us that many of those fundamental principles formerly believed infallible are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles which entirely overrule those we had considered as omnipotent." Burke continues a bit later and appeals to the loss of freedom [independence] at home "To prove that the Americans ought not to be free [independent], we are obliged to depreciate the value of freedom [independence] itself..."³⁹ In one sense, this is a vague reference to freedom, in another it is a direct appeal to the value of money. In either case, Burke has shown the value of both freedom and money to be related to durable independence. This is an appeal to *independence*, not to any particular British institution. In fact, Burke goes on to propose a major change to the British constitution so that Americans can be allowed representation, and while Burke cites precedent for expanding representation with

encapsulating durable independence. Also see: *Letter to a Member of the National Assembly*. Works. IV. 51-52. People were "qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites...in proportion as their soundness and sobriety of understanding is above their vanity and presumption."

³⁹Edmund Burke, Works, II, 9-10.

examples from the past in which representation was expanded for other groups, the alteration of the constitution still must be recognized as a major institutional change.

The reasons Burke gives for change are not that British institutions are threatened by America, but instead that the value of English freedom is threatened by the suppression of American freedom. It is also important to point out that Burke valued British institutions, not for their own sake, but because he thought that those institutions benefitted the material well-being of those being governed. “When I first came into a public trust, I found your Parliament in possession of an unlimited legislative power over the colonies... I had, indeed, very earnest wishes to keep the whole body of this authority perfect and entire as I found it—and to keep it so, not for our advantage solely, but principally for the sake of those on whose account all just authority exists: I mean the people to be governed.”⁴⁰

It should be noted that Huntington’s observation is not entirely without merit. Burke does indeed suggest that the unwise use of power can undermine the very institution that is in possession of that power. But what Burke is pointing out when he says: “But it is not the propriety of the exercise which is in question. The exercise itself is wisely forborne. Its repose may be the preservation of its existence; and its existence may be the means of saving the constitution itself, on an occasion worthy of bringing it forth...”⁴¹ is that Parliament must not exercise every power it possesses in every case which comes before it because that use may be a cause for the power to be lost. But that the power may be retained because Parliament *may* someday be able to use that power to save the constitution itself, which is *an example of*

⁴⁰ Edmund Burke, *Letter to Sheriffs at Bristol*, Works, II, 223.

⁴¹ Edmund Burke, *Letter to Sheriffs at Bristol*, Works, II, 225-6.

exercising the power in a way that would be a worthy cause. Burke simply assumes that everyone recognizes the value of the “constitution itself”, but it could have just as easily been some other cause, and not just a case of institutional salvation. Burke goes on to give the “Convocation of the Clergy” example, in which their practical power was taken away, but their constitutional authority was not. Burke says that the power “may be called out to act and energy *whenever there is occasion*”⁴² (emphasis mine).

On Huntington’s view, they should only be able to “be called out to act” if some institution is being fundamentally threatened, not “*whenever there is occasion*”. Huntington rightly recognizes the preservation aspect of Burke’s thought, but doesn’t recognize that the reason for the preservation is so that the power can be available for use on a more worthy cause...*any* worthy cause.

This paper takes the view that it is no coincidence that Burke thinks the American demand for more expansive independence via representation in government and control over American taxation policy is part of a consistent pattern of behavior by Burke in which he chooses durable independence as his paramount value. Burke’s general accommodation of American demands ultimately was made because Burke thought Americans capable of more independence from Britain, and that Britain and America would both monetarily benefit from the accommodation. On these accounts, Burke was consistent throughout the American confrontation. It is much less clear that from the beginning, British institutions were fundamentally threatened by America as Huntington would suggest. Yet, from the beginning, Burke argued for accommodation, and eventually argued for fundamental institutional change

⁴² Edmund Burke, *Letter to Sheriffs at Bristol*, Works, II, 226.

by altering the British constitution. We would not expect this behavior if we adopted Huntington's definition.

It is true that in *Reflections*... Burke states, "A state without the means of some change is without the means of conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve."⁴³ In this sense, Huntington is correct to state that Burke appears to accept institutional change as a means to preserve the institution itself. But there is a deeper question to ask, and that is why this preservation is important? Burke provides an answer to that a few lines later "No experience has taught us that in any other course or method than that of a *hereditary crown* our liberties [independence] can be regularly perpetuated and preserved [durability] sacred as our *hereditary right*."⁴⁴ Once again, the reason for conserving as much of the current institution as possible, even in times of change, is ultimately for the sake of a durable independence.

Burke's real argument with regard to the French Revolution is that it had ultimately produced the very opposite of independence for its people. The French Revolution produced popular arbitrary power, and the arbitrary power of a mass of people is just as bad as the arbitrariness of nature; the very thing that government is instituted in order to reduce. For Burke, the right we gain in a civil state is independence, or reduced arbitrariness. What we find in the state of nature are an infinite set of encounters with arbitrariness, whether it be from nature or our fellow men, governed by passions instead of wisdom. In Burke's words "Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he

⁴³ Edmund Burke, *Reflections*, Works III, 262.

⁴⁴ Edmund Burke, *Reflections*, Works III, 263.

gives up his right of determining what it is in points the most essential to him. That he may secure some liberty [independence], he makes a surrender in trust of the whole of it [independence].”⁴⁵ In short, what the French did was fail to realize that we must give up our individual short-term independence in order to perpetually secure our long-term independence and make our lives less subject to the arbitrariness of both nature and the passions of man. In doing so, by completely changing every institution of government, the French effectively made themselves more subject to arbitrariness. Burke suggests that they shouldn’t have made such wholesale changes, not because there was something inherently good about the previous institutions, he says “...they never ought to have submitted, to the arbitrary pleasure of one man; but, under circumstances in which the arbitrary pleasure of many persons in the community pressed with an intolerable hardship upon the just and equal rights of their fellows, such a choice might be made, as among evils.”⁴⁶ Burke suggests that the lesser evil in terms of arbitrariness was the established institution, but it is entirely based on the outcome, not on any inherent value of the institution itself. If Burke thinks France’s monarchical structure should have stayed, it was purely in an effort to reduce the arbitrariness of the available alternative structures and in effect maintain the relative independence the French people still had, even under the monarchy.

Conservatism then requires changes to institutions when the results are expected to produce a more long-term, or durable, independence for citizens. Since institutions are assumed to be the embodiments of time-tested wisdom, in practice these changes are only

⁴⁵ Edmund Burke, *Reflections*, Works, III, 310.

⁴⁶ Edmund Burke, *Correspondence*, III, 103.

made when there is significant pressure being placed on the institution in question. For this reason, there is a high correlation between institutional pressure and institutional change. But what makes conservatism unique from institutionalism is that change, and the degree of change, will always be justified by aiming to produce (or recover) a more durable independence for citizens, and not to save institutions for their own sake.

Distinction between Aristocracy

Not all detractors of conservatism think that conservatism is either incoherent or explained by something other than durable independence. Karl Mannheim claims that conservatives are the result of background socio-economic conditions and best understood as representatives, or spokespeople, for the ruling class⁴⁷, and that Burkean conservatism was mostly a reaction to the French Revolution in an effort to prevent the same sort of revolution from happening to the ruling class in England. In this sense, though Burke wasn't part of the aristocracy himself, he was representing their interests by opposing radical change in an attempt to be rewarded by entrance into the ruling class. For Mannheim, class conflict defines modern conservatism.

Analyzing Mannheim's claim will require an examination of the history and conditions in England leading up to Burke's era. There are three potential claims that someone who has adopted Mannheim's explanation could make with regard to Burke. This is due to the fact that

⁴⁷ Karl Mannheim, *Conservative Thought: Essays on Sociology and Social Psychology*. Ed. Paul Kecskemeti (New York: Oxford University Press, 1953), 138.

an argument could be made from the perspective of any one of three ruling classes in England at the time: the Court, the Aristocracy, or the Oligarchy. The first potential claim was that Burke was a spokesperson for the Crown, and that his actions could be explained by determining what was in the interest of the Crown. Nobody, however, supports this claim. The Glorious Revolution of 1688, which Burke defended, was, in almost every interpretation, one in which the Crown's interests were over-ruled by Parliament or an outside force. In addition to this, Burke spoke out aggressively against the interference of the King George III in the affairs of Parliament.⁴⁸ So the first potential claim that Burke was a spokesperson for King George III, and that Burke's political thoughts and actions can be understood by understanding what would benefit the King, can be dismissed fairly quickly.

This leaves two potential claims remaining. One is that Burke was a spokesperson for the aristocracy and that his thoughts and actions can be explained by looking at what the aristocracy required. It isn't clear, however, that Burke's support for more liberal economics was in line with the aristocracy in England at the time. Huntington framed the response to Mannheim nicely: "By 1790, when according to the aristocratic theory of conservatism [i.e. Mannheim] Burke was defending the feudal corporate order, the Industrial Revolution in England was already a generation old. Was Burke repelled by the growth of commerce and industry? Did he seek to return to the feudal agrarian order of a previous age? Far from it. For Burke, as Namier declares, "trade was the soul of the empire." As early as 1770 Burke stated his position in no uncertain terms: "There is no such thing as the landed interest separate from the

⁴⁸ Edmund Burke, *Thoughts on the Present Discontents*, Works I, 434-537.

trading interest...*Turn your land into trade.*” Is this the advice of a feudal apologist?”⁴⁹

Additionally, Burke often didn’t have kind words for aristocracy. I will take Burke’s word that he himself was “no friend of aristocracy” and that if the constitution had to be changed, Burke preferred to see it “resolved into any other form, than lost in that austere and insolent domination.”⁵⁰

Though Burke was no feudal apologist and was born of middle rank, it is not unthinkable that Burke may be thought of as part of the ruling class, or as someone trying to gain access to that class via the wealth accumulation made possible in a society that embraces liberal economic policies and institutions. A Mannheim supporter might make the case that liberal changes in England had already been made as far back as 1688, or farther, and that Burke’s support of oligarchy as part of the ruling class explains his modern conservative views.

Distinction between Oligarchy

Although Burke supported the general governmental structure that contained all three ruling classes—the crown, the aristocracy, and the oligarchy—it is difficult to find occasions when Burke expressly went against what one could consider oligarchic interests (meaning, interests that went against those with movable property that wasn’t attached to an estate). At best, there is a great deal of ambiguity regarding whether or not the interests of oligarchs explain Burke’s positions. With regard to Burke’s proposed conciliation with America, much of

⁴⁹ Samuel Huntington, “Conservatism as an Ideology.” *The American Political Science Review* 51, no. 2 (Jun. 1957), 454-473.

⁵⁰ Edmund Burke, *Thoughts on the Cause of the Present Discontents*, Works, I, 458.

what he argued was that England would be much wealthier if it did not enter a military conflict with such a prosperous colony; a situation where even if England were victorious, much of the wealth in America may be destroyed in the process. On one hand, wealth is proxy for independence, as I have noted earlier. On the other, it was certainly in the interest of oligarchic powers in England, whose primary interest is making money, that the wealth generating potential of the American colonies be maximized to the oligarchs' benefit. One could legitimately make the case that England would grow wealthier by not pushing the Americans into rebellion, and in this case it isn't clear which of these reasons motivated Burke.

The clearest case of Burke acting against oligarchic interests is probably the impeachment trial of Warren Hastings. Hastings had been accused of perpetrating inhumanities against the Indian people and Burke sought to have him impeached for it. In doing so Burke describes in a disapproving way of the mixing of mercantilism with imperialism which was the character of the East India Company.⁵¹ Lord Macaulay described the system thusly: "On the one side was a band of English functionaries, daring, intelligent, helpless, timid, accustomed to crouch under oppression...The business of a servant of the company was simply to wring out of the natives a hundred or two hundred thousand pounds as speedily as possible, that he might return home before his constitution had suffered from the heat, to marry a peer's daughter, to buy rotten boroughs in Cornwall, and give balls in St. James's Square."⁵²

Burke's speaking out against such practices, at least on its face, doesn't seem to be easily explained by oligarchic interests. Presumably, extracting money and resources from India

⁵¹ Edmund Burke, Works IX, 348-50.

⁵² Ross Hoffman, J.S. Ed. *Burke's Politics: Selected Writing and Speeches* (New York: Knopf, 1949), 236.

would be exactly the sort of thing that we would expect Burke to support if his motives were oligarchic. However, if one views this dispute as an internal struggle within the oligarchy, and that the monopoly the East India Company maintained had long been a frustration to the Whigs of which Burke was a member⁵³, it may have been that the East India Company was viewed as taking money out of India that rightly belonged to the Parliament or some other set of merchants, and that the East India Company had instead been placing the extracted wealth in others' hands. There remains quite a lot of ambiguity. It is not impossible to explain Burke's thoughts and actions by aligning them with oligarchic interests, but neither is it clear that Burke wasn't genuinely speaking out against oppression of the Indian people as he had previously done for Catholics in Ireland.

The strongest case that can be made for Burke the oligarch is with regard to his position on government food aid for the needy. Food is an essential element of independence so one would expect that if Burke sought to promote durable independence then he would support food aid. Historically, however, conservatives, including Burke, have been reluctant to support state-sponsored food aid. Instead they have usually promoted private associations as the mechanism for providing necessities for citizens. Burke does the same:

"This example of Rome, which has been derived from the most ancient times, and the most flourishing period of the Roman Empire, (but not of the Roman agriculture,) may serve as a great caution to all governments not to attempt to feed the people out of the hands of the magistrates. If once they are habituated to it, though but for one half-year, they will never be satisfied to have it otherwise. And having looked to government for bread, on the very first

⁵³ Steve Pincus, *1688: The First Modern Revolution* (New Haven, CT: Yale University Press, 2009), 286-8.

scarcity they will turn and bite the hand that fed them. To avoid that *evil*, government will redouble the causes of it; and then it will become inveterate and incurable.

“I beseech the government (which I take in the largest sense of the word, comprehending the two Houses of Parliament) seriously to consider that years of scarcity or plenty do not come alternately or at short intervals, but in pretty long cycles and irregularly, and consequently that we cannot assure ourselves, if we take a wrong measure, from the temporary necessities of one season, but that the next, and probably more, will drive us to the continuance of it; so that, in my opinion, there is no way of preventing this evil, which goes to the destruction of all our internal commerce which touches or agriculture the most nearly, as well as the safety and very being of government, but manfully to resist the very first idea, speculative or practical, that it is within the competence of government, taken as government, or even the rich, as rich, to supply to the poor those necessities which it has pleased the Divine Providence for a while to withhold from them. We, the people, ought to be made 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.”⁵⁴

If one combines Burke’s reasoning in the quote above with his other writings on the subject, his essential reasoning on the topic of providing food aid went thusly: (1) The state’s resources come from the citizens, not the other way around, and the wealthy do not have enough to provide for the poor because the wealthy are dependent on the poor (2) If the state did attempt to provide aid by storing grain, it would be prohibitively expensive (3) The state

⁵⁴ Edmund Burke, *Scarcity*, Works V, 156-7.

would encourage dependency by the poor that could eventually threaten the viability of the government, threaten peace, and threaten civility (4) The reason the poor cannot sometimes afford food is because they are too numerous and their labor is a commodity that fluctuates with population size.⁵⁵

In terms of Burkean arguments, this isn't his best. Firstly, he seeks to address the relationship between the needy and the wealthy while simultaneously addressing the relationship between the state and the needy, yet it isn't clear that the wealthy and the state are necessarily the same people. Only if the proposal is for the state to take exclusively from the wealthy and give to the needy does Burke's argument make sense because (1) According to Burke, the rich are dependent on the poor and certainly do not have enough to provide for them⁵⁶, and (2) Burke suggests that the poor could become dependent on the state (as many in Roman times did), yet (3) The state during Roman times presumably acquired the grain for food aid from someplace, with funds from someone, and if it didn't come from the wealthy or the poor, it must have come from those in the middle. So, it seems possible that the state could provide aid to the needy, but just that the funds could not come exclusively from the rich because the rich alone did not have enough to feed the poor. Additionally, in times of scarcity, if the rich really were *fully* dependent on the poor, it would be *they* who had to go to the poor in search of food, not the other way around. While Burke makes a valid point that the rich may not have enough to support the poor, he over simplifies their dependence on them. The key

⁵⁵ Edmund Burke, *Scarcity*, Works V, 133-157.

⁵⁶ This is an interesting acknowledgement in itself, and is quite different from that we usually find from conservatives; especially the slave-holders in America. Conservative slave-holders viewed slaves as being dependent on the master without acknowledging the master was dependent on the slave. This sort of phony paternalism Burke deserves credit for avoiding; even if I ultimately argue this dependency isn't quite accurate in the situation as Burke applies it. *Scarcity*, Works V. 133-135.

difference between the two is that during times of scarcity the rich have enough money to buy food on the market while the poor do not. Burke doesn't usually make such poor arguments. And it raises the question of whether it was because he was committed to the oligarchy, and feeding the poor was simply not in their interest?

It is likely not the case that there was physically not enough food to feed everyone, but instead the case that some people did not possess enough money to buy food. If this were not the case, then the wealthy would be in no better position than the poor and money would be useless. Due to the fact that while food wasn't plentiful, and was expensive, and the fact that it might have been the case the government could not economically store food for times when food was expensive in order to feed the poor, that doesn't mean the government couldn't have stored money for times when food was expensive, and have purchased food for the poor in times of need. Again, for someone with the intellectual powers of Burke, recognizing that only poor people were in need of food seems like something he should have noticed. The case for Burke the oligarch gains strength on this point.

If we were only left with Burke's reasons examined so far for denying food aid, it would be difficult to argue against those who claim that the actions of conservatives can be explained by whatever happens to be in the interest of the oligarchic powers that be. However, Burke's other reason for denying food aid still remains, and it is more consistent with durable independence and also more consistent with reasons that have historically been given by other conservatives, and are still often given by conservatives today. Burke's other reason for denial is his worry that the recipients of food aid will become permanently dependent on the aid. While

this reason is not necessarily linked to the oligarchy, this issue causes problems for conservatism because life is the fundamental example of independence that conservatives value so much. In short, saving a life should garner one of the highest priorities for conservatives. However, a life lived in total dependence on another, like slavery, or serfdom, or a long-term welfare recipient, is also the worst kind of life. And if it persists for generation after generation, it becomes even worse.

While relying on avoiding dependence to explain withholding food aid may distinguish conservatism from oligarchy which seeks to hoard its wealth, it creates a paradox within conservatism that if not solved, may cause conservatism to be indistinguishable in practice from oligarchy. In other words, conservatism needs to figure out a way to both allow markets to exist because of money's potential to increase independence, yet find a way to help people with necessities (both because of lack of money and because of true scarcity), all while preventing people from becoming unnecessarily dependent on the aid. If conservatism can do this, it will successfully distinguish itself from oligarchy in a practical sense while allowing that markets can be a valuable tool for increasing independence. If conservatism fails to find a solution, then it must either refuse aid and become potentially indistinguishable in practice from oligarchy on this issue, or provide aid and potentially undermine the independence it claims to support and threaten the internal consistency of the ideology itself.

The ideal solution, then, for conservatives is one that provides immediate aid when it is needed, but quickly takes steps to alleviate the necessity. If conservatism fails to find a way to do this, then it can become confused in practice with oligarchy, and its central value of

maximizing money for those in charge. It is at this crucial point conservatives, including Burke, often make an error in judgment. That error consists in constructing a potential false dichotomy between the national government and the free market, and then arguing that the danger of dependency with regard to the national government solution is too great, and that *the only other option* is the market and private help, or, perhaps, Divine Grace.

Burke implies that laws of commerce are so strong as to be Divine in nature. It may be true that the most basic laws of supply and demand are that strong. For example, in times of true scarcity of a necessity, the value of that necessity will rise. In this very basic sense, I agree with Burke. However, it isn't so clear that institutions like the Bank of England and the East India Company, and all the capitalistic functions they perform, are divinely ordained by nature. As I mentioned earlier, the problem Burke is attempting to address seems less like a genuine scarcity issue, and more like one of high market prices. Ironically, the very market institutions supported by the national government rather than the laws of nature, can sometimes cause the high market prices for necessities.

In Burke's defense, up until this period of time, the market was successful at providing not only increased access to necessities, but also a wide variety of other desirable products and innovations. Indeed, it may have looked as if supply and demand supported by government enforced contracts was always the best route to take when compared with state regulations of goods. However, as we will see, the market is far from perfect.

In Sven Beckert's book *Empire of Cotton* which documents the history of the global cotton industry, we find an illuminating glimpse at some of the problems state-supported global markets can cause.⁵⁷

For centuries in India, farmers had grown both cotton and subsistence crops side by side. They consumed the subsistence crops, a portion of the cotton they spun and wove for personal use, and surplus cotton they sold to the marketplace, which often made its way to the world market. The Indians continued to live very traditional lives throughout most of the interior India even as industrialization gripped much of the rest of the world. British industrialists had a very difficult time penetrating the interior of India and industrializing the cotton industry.

During the American Civil War, cotton production dropped and the price of cotton rose. The scarcity of cotton on the market incentivized the British to alter property laws and contract laws in India so that more cotton could be produced more productively in the Indian interior. The changes in laws (demanded by capitalists in Britain) pushed Indian producers to industrialize and switch from their traditional ways of doing things (ways which incorporated long-standing social traditions and relationships) to a cotton monoculture more heavily influenced by contracts.

Under this system, farmers planted and produced cotton; they sold the cotton on the world market, and took the money from those sales to buy necessities (much like most of our industrial farmers today). Unfortunately, after the Civil War was over, there were periods of

⁵⁷ Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014).

falling cotton prices, and during some of those times many millions of people in India starved to death. They didn't starve to death because of droughts or floods or blights. There was actually not a shortage of food. They starved because the low price of cotton did not provide them with enough money to *buy* food.⁵⁸

This situation shows how it was likely not Divine Providence that caused a lack of food. And it was not basic market activity. Basic market activity had provided a useful outlet for excess cotton products for centuries. The cause was placing the irrational and arbitrary demand from strangers who lived on the other side of the world above the long-standing traditions which had produced a large amount of relative security and independence for the inhabitants of India's interior.

It is worth noting that the state was highly involved in this transformation. Laws were changed so as to make it nearly impossible to do business in the traditional way; in an effort to accommodate the markets, large infrastructure projects were constructed that altered traditional markets. This makes it difficult for conservatives to draw a distinction between the "market" and the "state". But most importantly, we must recognize that while the market can produce more independence for people, it can also produce *dependence*. Where over the long term the market can produce an increased amount of independence in the aggregate, it can be wildly irrational along the way. Ultimately, the market is not as perfect in practice as Burke thought it was, nor is it as independent from state influence. World markets of this sort are almost entirely dependent on state support. As the world industrialized, this becomes clearer and clearer to the conservatives who came after Burke.

⁵⁸ Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014), 302-37.

Booker T. Washington is a good example of a conservative who understood the importance of not subjecting necessities to the whims of the global market.⁵⁹ When he agreed to send advisers to Togo to help develop the cotton industry for the natives there, Washington insisted that “I should very much hope that your Company will not make the same mistake that has been made in the South among our people, that is, teach them to raise nothing but cotton. I find that they make much better progress financially and otherwise where they are taught to raise something to eat at the same time they are raising cotton.”⁶⁰

Washington had corrected for Burke’s error in judgment about the market. He had judged first-hand that the market could not be counted on to provide for necessities in a consistent manner, even though Washington placed a large emphasis on teaching the vocational skills demanded by the market.⁶¹ Washington, perhaps more than any other modern conservative, valued both the independence the market could provide, while also recognizing that when it comes to necessities, the market tends not to make important value distinctions between luxuries and necessities, and that one would be wise not to depend on the market for necessities.

In essence, the laws of commerce, especially when artificially implemented by the state in direct opposition to local traditions are not immutable from a conservative point of view even if markets are highly valued by their utility. The tendency for markets to create dependency as industrialism progressed was only just beginning in Burke’s time, but later

⁵⁹ Though I generally think there is a consensus on Booker T. Washington’s conservative credentials in order to provide at least one reference, historian Nell Irvin Painter referred to Washington as “A prominent conservative black educator in Alabama...” Nell Irvin Painter, *Standing at Armageddon* (New York: Norton, 1987), 161.

⁶⁰ Sven Beckert, *Empire of Cotton: A Global History* (New York: Knopf, 2014), 364.

⁶¹ Booker T. Washington, *Up from Slavery* (New York: Dover Inc, 1901).

conservatives would become acutely aware of the danger and increasingly there emerged a sharp division between conservatism, and both liberalism and oligarchy.⁶² During Burke's time in the mid-18th century, this was beginning to develop, but it had not become nearly so clear as it had by Booker T. Washington's time.

In modern times, as I shall argue later in the paper, there have been some issues that more clearly distinguish the conservative view from the oligarchic, and so while at this point there may still be some ambiguity with regard to what explains Burke's actions, there has been nothing that repudiates the idea that he was primarily promoting durable independence, even if many of those actions could have conceivably been explained by oligarchic interests. When we look at the conservatives of the past twenty years in America, there will be a clearer split.

If we view oligarchs as those who value money above all else and who also limit power to those with the most money, then there is a second oligarchic practice one might accuse Burke of as well: restricting political participation.

Conservatism sprung into history as a result of debates about representation and independence. In fact, the emergence of the word independence, or independency, can be traced back to the time leading up the English Civil War.⁶³ The rise of this value of independence came with the rise of the of the "Country" ideology in England. Groups of several dozen families in each county in England had grown in both responsibility and wealth in the early part of the 17th century, "At first their prime loyalty was to their local patron, their "good

⁶² Donald Davidson, *I'll Take my Stand* (New York: Harper Brothers, 1930). Although these critical essays are deeply steeped in anti-Yankee cant, there is a clear distinction being made between oligarchic industrialism and agricultural conservatism that, at the very least, helps show that there is a distinction that exists between the two.

⁶³ independence. Dictionary.com. *Online Etymology Dictionary*. Douglas Harper, Historian. <http://dictionary.reference.com/browse/independence> (accessed: June 15, 2015).

Lord”, but as time went by they became more and more independent and began to act as leaders and Representatives of their local community, their “Country” as they called it. By 1621 those who were not offered positions by the central government began to assume a new role as the defenders of an ideology, the “Country,” the antithetical opposite to what they had come to regard as a wicked, corrupt, extravagant, and ever-encroaching “Court”. Since they dominated the House of Commons as well as the counties, somehow or other their view and interests needed to be accommodated within the normal give-and-take of political life.”⁶⁴

It took several decades for the ideology to fully form, but once it was fully formed Professor Pocock described it thusly: “Society is made up of a Court and a Country; government of Court and Parliament; Parliament of Court and Country members. The Court is the administration. The Country consists of men of property; all others are servants. The business of Parliament is to preserve the independence of property, on which is founded all human liberty and all human excellence. The business of government is to wield power, and power has a natural tendency to encroach. It is more important to supervise government than to support it because the preservation of independence is the ultimate political good.”⁶⁵ If this seems remarkably similar to what I have described as conservatism, it is.⁶⁶ The key difficulty for this view lay with finding a way to maximize independence as measured by property (both landed and movable) without subjecting the public good solely to the interests of oligarchy, which, may have interests that are not always aligned with the public good. In other words, there can be

⁶⁴ Lawrence Stone, *Three British Revolutions: 1641, 1688, 1776* ed. J.G. Pocock (Princeton NJ: Princeton University Press, 1980), 27.

⁶⁵ J.G.A. Pocock, “Machiavelli, Harrington and English Political Ideologies in the Eighteenth Century” *Politics, Language and Time*, New York, 1971 pp. 124-25.

⁶⁶ Even more remarkable considering I had read nothing about the history of English politics during this period until I was quite a long way into this project.

tension between those people whose primary qualification for office is property, and with the public good. Lawrence Stone quotes Charles James Fox in 1797 with regard to Fox's view of the best system of representation. "The most perfect system," he said, is one "which shall include the greatest number of independent electors and exclude the greatest number of those who are necessarily by their condition dependent."⁶⁷

This line of thinking dominated America during the early republic as well. America did away with hereditary aristocracy and the king, but kept in place the conservative idea that independence was a prerequisite for political participation, hence the limiting of political participation to white men of property. Early republican conservatives thought that citizens required a certain amount of personal independence so that they would not be easily influenced by the will of others while electing people to, or standing for, public office. So, a wife may be subject to will of her husband and so she was excluded, a wage laborer or apprentice may be subject to the will of their boss so they were excluded, a slave was subject to the will of their master and so they were excluded. Those people left were those with enough property to afford the leisure required to participate in politics on an equal level with others who were similarly situated.⁶⁸

Ultimately, the configuration was, if we are being generous, designed to place people in office who were deemed wise and virtuous by those who could judge independently. And when the office-holder took office, they would also necessarily possess the requisite power, so as to not be unduly influenced by forces beyond those they were obliged to represent. What this

⁶⁷ Lawrence Stone, *Three British Revolutions: 1641, 1688, 1776* ed. J.G.A. Pocock (Princeton NJ: Princeton University Press, 1980), 91.

⁶⁸ Eric Foner, *The Story of American Freedom*, (New York: Norton, 1998), 9.

system always neglected was that these so-called independent, propertied men, had always been dependent on those whom they excluded from participation. They had always been dependent on their wives, their servants, their employees, their slaves, and their newly arrived immigrants. Admirably, Burke recognized this dependence. Less admirably he either never fully accepted or understood what it required, or he did not think it wise to depart from the English status quo, because in doing so, the balance of power in the English Parliament may have shifted to the King and his patrons, rather than to the people. Either way, it isn't clear that oligarchic interests are the reason people were excluded from participation and not reasons of independence.

At any rate, with the exception of felons and illegal immigrants, few conservatives in America today actively promote the disenfranchisement of large groups of people, and this paper will address the immigration issue in the second and third sections, where it will show that from an oligarchic viewpoint, immigration, legal or illegal, is actually desirable, yet from a conservative view, large amounts of immigration may be undesirable for reasons of independence.

CHAPTER 5:

CONSERVATISM AS A LIVING TRADITION

Thus far, this paper has argued that durable independence is the primary value that defines conservatism as it was practiced by the conservative archetype Edmond Burke. The objection might be made, however, that the method used of examining how conservatism has traditionally and historically been articulated and practiced is incomplete or inappropriate. Instead, some may argue, the more relevant question is how conservatism is being practiced in America today and what value or values it is now promoting, because it is possible that what conservatism promoted during the time of Edmond Burke is no longer practiced in American politics. In response to this objection, this part of the paper shall argue that even if we examine conservatism in America over the course of the past twenty years we will find that durable independence is likely the primary value of most of the conservative electorate (even if it is not always carried out in practice by politicians). The paper will focus on four issues that directly relate to durable independence: avoidance of corporate and social welfare dependence, reduction of federal deficits, avoidance of military intervention unless independence is threatened, and preservation of cultural traditions, including religious traditions, unless they come into conflict with independence. Rhetorically, and sometimes politically, most or all of these independence-related issues have been supported by conservatives in recent years.

There is a strong claim and a weak claim that can potentially be made about the primary value of conservatives in America today. The strong claim is that there is abundant empirical

evidence provided by the research of political scientists that have operationalized, compared, measured and analyzed those actions and sentiments among both politicians and citizens which show evidence that there is a strong presence of and correlation with the value of durable independence. This paper shall not defend the strong claim for two reasons. The first reason is simply the time constraint placed on a Master Thesis deadline. The second reason is that since this interpretation of conservatism isn't widely held among political scientists, it is likely that they haven't attempted to measure the sorts of sentiments and actions required to defend the stronger claim adequately.

For these reasons, this paper shall make a weaker claim. It will argue that there are plausible reasons for thinking that the value of durable independence might better explain the existence of the modern conservative movement since 1994 than the existing alternative explanations. In addition to this claim, the paper will also argue that there are plausible reasons for thinking that conservatism's popularity is linked to how well politicians promote the value of durable independence both rhetorically and in action.

It is highly likely that conservatism and the value of durable independence are still alive in American politics today. There have been two conservative movements in the past twenty years in America. The first began in 1994 and was spearheaded by the "Contract with America" and ended in 2001. The second coalesced as a positive movement in conjunction with what has broadly been defined as the Tea Party movement in 2009, and still exists in the spring of 2015.⁶⁹

⁶⁹ This will receive closer treatment later on in the paper.

Let's first begin with the 1995 cohort of Republican congressmen and three of the four issues this paper has chosen to focus on: welfare, federal deficits, and avoiding unnecessary military intervention. Unnecessary military interventions might be considered conservative because they are a sign that the country does not possess the resources to maintain its self-sufficiency, or that the cost of blood and treasure (both independence proxies) are only worth the cost if our independence is at stake.

While one might accurately describe the Presidencies of George H. W. Bush and Ronald Reagan as interventionist (the Persian Gulf War and Panama in the case of Bush and a series of proxy wars against the Soviets under Reagan)⁷⁰, the Republican congress from 1995 to 2001 was remarkably anti-interventionist. Most potential interventions, for better or for worse, were avoided entirely.⁷¹ But the one major intervention that did occur during this time was the NATO intervention in Serbia and Kosovo. The reason it was a NATO intervention and not a U.S. intervention was because 187 Republicans in the House of Representatives voted against the war resolution.⁷² Additionally, during this period, a no-fly zone was enforced in Iraq along with economic sanctions with little or no escalation in violence or military intervention. It wasn't the case that this was the result of simple party politics. Some Republicans, including future President G.W. Bush, supported Clinton's Serbia intervention.⁷³ While one could claim that this period between the Cold War and the War on Terror was simply a quiet period with regard to

⁷⁰ I will set to one side the debate over whether these Presidents were conservatives. In terms of interventionist policies the empirical question would turn on whether the Soviets or Saddam Husain was a threat to American independence.

⁷¹ Rwanda would be the clearest example of this.

⁷² Govtrak.us, S. Con. Res. 21 (106th) Kosovo resolution. <https://www.govtrack.us/congress/votes/106-1999/h103> (accessed June 15, 2015)

⁷³ Commission on Presidential Debates, October 11th, 2000, Debate Transcript. <http://www.debates.org/?page=october-11-2000-debate-transcript> (accessed June 15, 2015)

violence, that wouldn't explain the avoidance by such large numbers of Republicans with regard to Serbia. What the period more likely points to is that when there isn't a credible threat to independence (in the eyes of conservatives), like Soviet expansion or terrorism on American soil, then we expect conservatives to be non-interventionist.⁷⁴

Next let's examine efforts to reduce the federal deficit during this period. The reason limiting federal debt is consistent with valuing independence is two-fold. The first reason is that all debt is a type of dependence. Taking on debt is the equivalent of saying "I cannot afford this without the help of another." This doesn't mean that all debt is bad in the long run. If debt is taken on, and an investment ultimately produces more independence than one otherwise would have had, then it may be better to take on debt sometimes. For example, if someone found employment in a nearby town, but did not own a car, it may be a good investment for them to take a loan out for a car if the long-term benefits of the job exceed the cost of the car. But in general, a large amount of debt is undesirable from a conservative point of view. Additionally, if a significant portion of the national debt is owed to foreign countries, then it potentially threatens America's independence with regard to foreign policy and international relations.

The second reason for limiting federal spending is that both egalitarianism and oligarchy require large amounts of federal intervention to either distribute money to citizens or to subsidize big business. If spending is kept relatively low at the federal level, then it becomes

⁷⁴ And in fact, if we go back to the days before the perceived Soviet threat, we see Herbert Hoover adopting a similar non-interventionist position. Hoover, Herbert, and Nash, George H. *Freedom Betrayed : Herbert Hoover's Secret History of the Second World War and Its Aftermath / Edited with an Introduction by George H. Nash*. Hoover Institution Press Publication ; 598. Stanford, Calif.: Hoover Institution Press, Stanford University, 2011.

much more difficult for egalitarians and oligarchs to exercise power and create patronage relationships based on dependency. For these reasons, it is logical for conservatives to be concerned about both the level of federal spending and the national debt.

The first plank of the 1994 “Contract with America” was support for a Balanced Budget Amendment (BBA). The Balanced Budget Amendment passed the House with overwhelming Republican support, but failed in the Senate in 1997 by a single vote, garnering 66 Senate votes.⁷⁵ This is further evidence that conservatism was alive and well in recent history. And even though the Balanced Budget Amendment did not pass, the federal budget during this period was balanced, or nearly balanced most of the time, lending evidence to the thesis that the BBA was not just political maneuvering, but a real effort made on the part of the Republicans elected in 1994 to balance the federal budget.

If conservatives were moderately successful in avoiding unnecessary military intervention in the years 1995-2000, and also moderately successful at balancing the federal budget, they were extremely successful at attempting to reduce government welfare dependence. The “Personal Responsibility and Work Opportunity Act” of 1996 provides, at the national level, an example of a conservative approach to welfare reform. The act was passed by a Republican controlled Congress led by Newt Gingrich and signed into law by Democratic President Bill Clinton. Without going into the bill specifics, what follows will focus on the general intent of the legislation.

⁷⁵ Govtrak.us, S.J.Res. 1 (105th): Balanced Budget amendment <https://www.govtrack.us/congress/votes/105-1997/s24> (accessed June 15, 2015)

Welfare rolls had risen dramatically from the time welfare was introduced in the 1930s until the time of the reform in 1996. Women and children who had been disabled or widowed had been the original group targeted by welfare programs. Essentially, the goal was to provide for people who would have been in a true, and relatively permanent, state of dependency anyway, and to prevent them from becoming entirely destitute. Increasingly, however, with rising divorce rates and absentee fathers, many more single mothers were added to the welfare rolls. These were, in the eyes of the public at least, people who were not permanently disabled facing near-certain destitution, but people who hadn't experienced any other form of life except one entirely dependent on government assistance.⁷⁶

Welfare of this sort, viewed from a purely libertarian perspective, should never have been allowed to come into existence, even at the state level. The government shouldn't be allowed to tax citizens and confiscate their wealth for the purpose of giving that wealth to other citizens. Force and fraud are the only justifications for government taxation and interference from the libertarian perspective. The fact that there may be old widows or orphaned children who may have been completely at the mercy of nature and their fellow citizen's charity is not enough for the ideologically pure libertarian to alter their belief in the superiority of property rights. From the libertarian perspective, the solution to the welfare problem was to end the welfare program altogether and rely on private charity to support those in need.

Egalitarians have a different motive. Any program that shifts resources from those who have more to those who have less, is a good program. As long as poor people are given more

⁷⁶ Ron Hasking, *Work over Welfare: The inside story of the 1996 welfare reform law* (Washington: Brookings Institute Press, 2006).

resources, it doesn't really matter for egalitarians, how those resources are procured, and whether one is utterly dependent on the government for them. The fact that someone could potentially sell their labor on the free market for a wage instead of receiving a check from the government is of little or no concern to the egalitarian. In fact, generation after generation of welfare dependence would probably be superior for egalitarians than having someone be exploited by the wage system. The egalitarian solution to the welfare system would likely be to provide either more welfare or higher wages (determined by the government) with guaranteed, perhaps compulsory, work.

The fact is that none of these ideologies were adequate when it came to reforming welfare in 1996. Only conservatism offered a palatable solution. The goal announced from both sides was to diminish dependence on the part of welfare recipients as much as possible by limiting the amount of time they could spend on welfare and by encouraging recipients to enter the workforce via training and other programs. This reform neither ended welfare nor expanded it. The reform wasn't justified by any particular religious view. A fairly major public policy was substantially altered. The reform was undeniably conservative.

When President Bill Clinton signed the reform, he said the act "gives us a chance we haven't had before to break the cycle of dependency that has existed for millions and millions of our fellow citizens, exiling them from the world of work. It gives structure, meaning and

dignity to most of our lives.”⁷⁷ Notice that diminishing dependency is the primary aim and justification of the reform.

Thus far, the paper has given examples of durable independence as a living ideology that was especially visible from the period between 1995 and 2000, resulting in limiting the federal government’s dependence on debt, avoidance of military intervention that did not protect American independence, and limiting social welfare dependence. These issues in particular helped distinguish conservatism from classical liberalism or libertarianism and the oligarchy. An often unrecognized political shift took place in the 2000 election cycle, though. Many of the conservatives who had signed on to the “Contract with America” had made voluntary term-limit promises. Of the 11 politicians who made non-binding promises to not seek re-election in the year 2000, eight of them kept their pledge. In addition, the leaders of the “Contract with America” Newt Gingrich and House Budget Chairman John Kasich also did not seek re-election in the year 2000. In 2002, 4 out of 5 pledges did not seek re-election. In 2004, 7 out of 18 kept their pledge, and by 2006 out of 10 pledges *nobody* honored their term-limit pledge.⁷⁸

The point here is not to debate the advocacy of term-limits, but instead to show that the portion of the conservative cohort of 1994 that advocated for the conservative policies between 1995-2000 who were the most honest, began leaving congress in 2000. They had almost completely exited by the 2004 elections. This point is important because one might look at the number of Republicans in the House from 1994 to 2006 and come to the monolithic

⁷⁷Skorneck, Carolyn (July 31, 1996). “Clinton Says He Will Sign Welfare Overhaul; House Passes It.”. Associated Press.

⁷⁸ Sunlight Foundation, Open Congress. https://www.opencongress.org/wiki/Term_limits (accessed April 15, 2015)

conclusion that these representatives were of the same ideology, when in fact, there was a significant shift away from conservatism beginning in the year 2000 and towards oligarchy which had come to fruition in Congress between 2002 and 2004. With regard to military interventionism, part of the shift might be explained by the terrorist attacks on 9/11, 2001, but with regard to other issues at least some of the ideological shift had to do with those conservatives who honored their term-limits beginning in the year 2000. The main point, once again, is simply to make the case that the composition of Congress post-2000 was quite different than it was between 1995 and 2000, particularly within the Republican Party.

This will be important in the next section of the paper where distinctions will be drawn between the Bush presidency, the “Contract with America” cohort, and the Tea Party movement. These distinctions are important because they will highlight the difference between the popularity (or unpopularity) of conservatism defined as traditional conservatism which promotes durable independence, neo/oligarchic conservatism which promotes money-making, and laissez-faire or libertarian-leaning conservatism which promotes individual freedom.

To summarize this chapter, in response to the objection that traditional conservatism which promotes durable independence is no longer a living tradition, the paper pointed out that other ideologies could not adequately explain the welfare reform of 1996, the limiting of the federal budget, and the avoidance of military intervention from the years 1995-2000. Additionally, the paper argued that the composition of Congress changed after the year 2000 even though Congress stayed in the hands of Republicans until 2006, and so we should not necessarily assume ideological continuity in the Republican Party from 1995 through 2006.

CHAPTER 6:

POPULARITY OF TRADITIONAL CONSERVATISM

America has a two-party political system. Because we have two dominant political parties, America is often assumed to have two dominant political ideologies which roughly correspond to the political parties. Currently, most people describe Democrats as being “Liberals” and Republicans as being “Conservatives”. “Liberals”, as they are referred to in this sense, are usually thought to include those who could be described as “progressive egalitarians”. Of course, there may be all sorts of other variants of Democrats, but usually if someone’s views deviate too far from progressive egalitarianism a more specific label is applied, like “socialist” or “communist” or “blue dog” etc. Nevertheless, when in common language we refer to “liberals” in America, we have a general idea that their views are going to be fairly close to John Rawls’s or Ronald Dworkin’s philosophies.

This section of the paper will reply to the possible objection that when we say “Conservative” in America, in practice, we are not referring to those traditional conservatives who valued durable independence, but instead, that we are referring to people who value something else. The paper will argue that there is evidence to suggest that the other potential variants of modern conservatism one might be referring to when they say “Conservatives” (religious orthodoxy, laissez-faire, and oligarchic) are a tiny minority of the Republican Party, and, an unpopular minority both within the Republican Party and among the general electorate. For this reason, just as more specific names are given to those who fall outside the

“Liberal” norm, the paper argues that we need to use more specific names to refer to those minority ideologies that fall outside the traditional “Conservative” norm, and that when we normally refer to conservatives it should be understood that we are referring to people who primarily value durable independence.

In Ethan Fishman and Kenneth Deutsch’s 2010 book *The Dilemmas of Conservatism* they claim that “A battle is being waged in the United States for the soul of conservatism. Its combatants are three major variants of the contemporary American conservative movement: traditional conservatism, laissez-faire conservatism, and neo-conservatism.”⁷⁹ Fishman and Deutsch describe traditional conservatism as being based on the philosophies of Aristotle and Edmund Burke, and list its best contemporary defender as Russell Kirk. This “traditional conservatism” it was argued in the first section of this paper is best understood as valuing durable independence. Even if one objects to the argument that durable independence explains Burke’s philosophy, this section of the paper will still make the case that “traditional conservatism”, so long as it is not confused with religious orthodoxy, laissez-faire, or oligarchic motivations, still explains modern conservatism better than those alternative positions, even if politicians do not always follow up their conservative rhetoric in practice.

The second competing variant of conservatism the authors note is what they call “laissez-faire conservatism”. “There are two types of laissez-faire conservatism in the United States: economic liberalism, which applies natural law standards to social issues such as speech, press, sex, and marriage, but not to economics; and libertarianism, which applies laissez-faire

⁷⁹ Ethan Fishman and Kenneth L. Deutsch *the Dilemmas of American Conservatism* (Lexington KY: University of Kentucky Press, 2010), 2-5.

across the board to all aspects of human behavior. Economic liberalism is the most popular variant of American conservatism. As a whole, laissez-faire conservatives fear the threat posed by weak and envious people to risk-taking entrepreneurs who seek to produce wealth both for themselves and for society...Traditional conservatives and laissez-faire conservatives inevitably find themselves in conflict over the issue of amoral capitalism.”⁸⁰

The third competing variant described by the authors is ‘Neo-conservatism’. According to them “This variant of American conservatism rose to prominence during the administration of George W. Bush. Best described as a persuasion or a perspective rather than a movement, it represents a reaction against the advocates of the liberal welfare state, radical liberationist values, idealist foreign policies, and affirmative action.” Without writing a lengthy response to the authors’ description of neo-conservatism, this paper will refer to them as oligarchs. The pursuit of money via state subsidized capitalism, the promoting of military interventions around the world to secure natural resources or to open markets, the rejection of aid to the needy unless it ensures corporate profits, the promotion of corporate money in politics, the perpetual pursuit of political power by one or a few families, etc. These are all easily explained by oligarchic values. For this reason, I shall call this group oligarchic conservatives, and agree with the authors that the most recent and archetypal example is President George W. Bush.

⁸⁰ Ibid, 3.

The Unpopularity of Religious Orthodoxy

There have been several efforts to make the distinction between religious orthodoxy and conservatism in this paper. It is possible, however, that one may look at the more religious wing of the Republican Party and assume that religious orthodox values are popular within the Republican Party. While it may be true that religious orthodox views do exist, true religious orthodoxy is likely quite rare in American politics.

Let us take a description that Ronald Dworkin uses to describe the difference between a tolerant religious community and tolerant secular society with regard to the issue of public-school prayer. "In a tolerant religious community, there can be no objection in principle to teachers leading schoolchildren in prayer. Such prayers must of course be designed to be as ecumenical as possible; the Lord's Prayer, which I recited every day in school, would serve. However, a tolerant religious state must take care not to coerce children into reciting even so ecumenical a prayer as that, because it must leave them free to reject religion altogether. Perhaps simply allowing children who so choose to remain seated and silent would protect them from coercion. But perhaps not; it might be that children would be reluctant to identify themselves as outsiders in that way and would be pressured into reciting prayers in which they did not believe. Whether prayers would in the end be permitted in public schools in a tolerant religious society would depend on how that empirical psychological issue is resolved.

"In a tolerant secular society, however, that empirical question would be irrelevant."⁸¹

⁸¹ Dworkin, Ronald. *Is Democracy Possible Here? : Principles for a New Political Debate / Ronald Dworkin*. Princeton, N.J.: Princeton University Press, 2006, 59.

Notice what a tolerant religious society is not. It is not a society that promotes a particular religious orthodoxy. It does not say that everyone must attend the State Church. But it may practice long held religious traditions like prayers before sporting events, manger scenes in the public square at Christmas time, reciting the word “God” in the Pledge of Allegiance, and printing the words “In God We Trust” on our money. In America today, the defense of religious traditions or references to God like these hardly represent a religious orthodoxy.

Perhaps the clearest evidence of this comes from the common conservative reference to America as a “Judeo-Christian” nation, or a nation founded on “Judeo-Christian” values. If this popular and common reference among the “religious right” were truly a religious orthodoxy view it would have to choose between whether it was Jewish or Christian, and probably whether it was Protestant or Catholic, and maybe it may require something even more specific than that. The notion that America was founded as a “Judeo-Christian” nation only makes sense as a reference to culture and tradition, not as a reference to a specific religious orthodoxy. And it is from this reference to culture and tradition that the more religious wing of the Republican Party conceivably gets its popularity.

It is against those who wish to altogether deny any reference to or belief in the existence of God in the public arena, and those who wish to create a tolerant secular society, instead of a tolerant religious society, at whom most of the religious right is responding to. This response usually falls squarely in the bounds of, and gains its political power from, the basic principles of traditional conservatism; namely, the principal that a higher power is responsible for life, and that long-standing cultural traditions, including religious traditions, probably serve

some useful function in society and shouldn't be disregarded due to claims of individual rights. It is likely that when conservatives claim that prayers should be said in school it is not primarily because they think that making children say prayers will save their souls or convert them to any particular religion. It is likely because they think there are positive consequences that will result from the ritual of prayer-saying. Those who promote activities like school prayer-saying on the basis that those prayers will save souls probably exist, but they are also probably very rare in America, and extremely unpopular, even in the religious wing of the Republican Party.

The Unpopularity of Laissez-Faire "Conservatism"

In order to make the case that Laissez-Faire "Conservatism" is an outlier in the battle for the soul of conservatism, this section of the paper will trace the political maneuvering of the Paul family, whom this paper takes to be the current archetype of laissez-faire conservatism. In order to incorporate both laissez-faire conservatism as libertarianism and as economic liberalism, an example will be chosen from both the purely economic category, and one from the social category in order to demonstrate the unpopularity of both these views and how the recent ascendance, however so modest, of the Ron and Rand Paul in conservative circles has more to do with their move *away* from laissez-faire conservatism and toward traditional conservatism.

If we begin by following Ron Paul's political career in the late 1970s we see that he was an early supporter of Ronald Reagan in 1976. During the middle of Reagan's term, however, Paul withdrew his support for Reagan and the Republican Party and instead ran for President as

a Libertarian in 1988. The reason for this departure was because of Reagan's handling of the federal budget, which had ballooned during Reagan's time as President.⁸² Thus far, Paul's political maneuvering is consistent with one of the proxy measures—federal spending—that the paper has described earlier as being a measure of traditional conservatism. Additionally, Paul returned to the Republican Party in 1996 during the years the paper has identified as being particularly conservative. In this sense there is quite a lot of overlap on some issues, like the size of the federal budget, in which *laissez-faire* and traditional conservatism are generally in agreement.

The disagreement comes when we examine why they agree. The *laissez-faire* view is ultimately rooted in a belief in *a priori* individual rights, particularly the right of ownership of oneself. This means that for the libertarian *laissez-faire* conservative, when a central bank loans money it did not collect in deposits, there is a violation of rights involved in the transaction. Or, when someone wishes to use drugs that will damage their mind and body, an individual still has a right to put into their body what they wish from the libertarian perspective. These are wildly unpopular views. In the 1988 Presidential campaign, Paul received 0.5% of the popular vote. Granted, it is difficult to run as a third party candidate in American politics, but just two years later, another fiery Texan, Ross Perot, garnered 18.91% of the popular vote. Notably, Perot's main issues during the campaign were the national debt (with which Perot and Paul agreed) and his disapproval of the North American Free Trade Agreement, or NAFTA. With regard to NAFTA, Paul's libertarian position is for free trade agreements like NAFTA.

⁸² Wikipedia contributors, "Ron Paul presidential campaign, 1988," *Wikipedia, The Free Encyclopedia*, https://en.wikipedia.org/w/index.php?title=Ron_Paul_presidential_campaign,_1988&oldid=654737998 (accessed June 16, 2015)

Essentially, what this shows is that while there was strong support for reduced federal spending, which is consistent with conservatism, there isn't a whole lot of support for free trade based on individual rights, or on Paul's other issues like legalizing drugs like heroin, abolishing the central bank, allowing unlimited immigration, or undoing all of the New Deal for strictly philosophical reasons, none of which are consistent with traditional conservatism.

Even if we strike out the strictly social libertarian issues, we are still left with the elimination of all social safety nets, and probably unlimited free trade and immigration. It is worth noting at this point that the case study presented earlier in this paper regarding the Welfare Reform of 1996 didn't eliminate welfare, which would be what *laissez-faire* conservatism would require. It simply attempted to reform welfare so that less people would become dependent on it, and shifted some responsibilities to the states. These reforms were designed to limit dependency and increase independence; they did not declare the metaphysical unjustness of any government welfare. The reforms of 1996 were very popular and President Clinton signed the reforms in August just three months before the 1996 elections. Bills that are not popular do not pass directly before a major election in America. It's therefore fair to say that if the reforms had eliminated all government welfare, they might not have been so popular.

Perhaps someone is willing to grant what has been argued so far about *laissez-faire* conservatism's unpalatability, but then poses the question of what explains the rise of Ron and Rand Paul since 2007? First, we should examine Ron Paul's performance in the Republican Primary of 2008. In that primary he finished fourth in most of the primary and caucus contests,

he did not win a single state, and attracted around 3%-6% of the Republican Primary votes.⁸³ In the 2012 Republican Primary, Paul fared slightly better, averaging 3rd in the primaries he actively campaigned in, but he still was not able to gather enough support to even be the Republicans' second choice for President.

Perhaps the biggest accomplishment for the *laisse-faire* representatives was the election of Ron Paul's son, Rand Paul, in the 2010 Kentucky Senate race, in which the younger Paul—who holds similar views as his father—won both the primary and the general election for the Senate, and who is now being considered as a contender in the 2016 Republican presidential primary. Time will tell how well Paul will do, but one might make the case that the *laisse-faire* ideology has been gaining ground since 1988 when Ron Paul only attracted 0.5% of the total votes in America. It isn't unthinkable that Rand Paul could have a respectable showing and finish first or second in the 2016 Republican primary if this rise in popularity continues. What explains this rise in popularity? Are people becoming more attracted to *laissez-faire* conservatism?

The evidence actually suggests that it is not that *laissez-faire* conservatism has become more popular, but that the Pauls have shifted their ideology (Rand more than Ron) more toward traditional conservatism since 2008, and that it is that shift which has made the Pauls more popular. What is it they have changed?

The key shift was from initially identifying with libertarianism, to more recently referring to their ideology as “constitutional conservatism”. What this shift represents is a move from

⁸³ *Election 2008* (New York Times), <http://politics.nytimes.com/election-guide/2008/results/votes/index.html> (accessed June 15, 2015)

promoting an emphasis on the individual rights found in libertarianism, to an emphasis on limiting the size and power of the federal government via the promotion of 10th Amendment to the Constitution. One only needs to read three pages into the chapter on “Constitutional Conservatism” in Rand Paul’s book *The Tea Party Goes to Washington* before one reads about the importance of the 10th amendment. “The 10th amendment explicitly says “The powers not delegated to the United States by the Constitution, nor prohibited by it to the State, are reserved to the States respectively, or to the people.”

“So strong is the regard for the Tenth Amendment that various offshoots of the Tea Party have formed completely devoted to it.”⁸⁴ What often goes unnoticed here is that a shift has taken place from a promotion of libertarian and laissez-faire individual rights, to something closer to traditional conservatism. For example, if we examine the legislation signed by Mitt Romney when he was Governor of Massachusetts that required the citizens of Massachusetts to purchase health insurance, commonly referred to as RomneyCare, we find that from the laissez-faire point of view, this legislation was a violation of individual rights because the “government” is only justified in collecting taxes to protect us from force or fraud. The laissez-faire position makes no distinction between state and federal government. Rhetorically at least, “constitutional conservatism”, by promoting the dominance of the 10th amendment does just that. It allows for those rights perceived by libertarians to be violated by the state government, just not by the federal government.

While a traditional conservative will allow whatever government is empirically judged to have a history of promoting the most durable independence for citizens, it is often the case that

⁸⁴ Paul (109)

a traditional conservative will choose state governments over federal government whenever possible because the traditional conservative knows that the dangers associated with the competing ideologies of oligarchy and egalitarianism both require a highly centralized state in order to be effective in implementing their goals. Because of this, it is common for traditional conservatives to have a bias toward more local governments and to have a bias toward limiting the spending of the federal government. These efforts, as the paper has already shown, were quite popular from 1995 to 2000. What “constitutional conservatism” has done, is rhetorically mask (or shift) the laissez-faire ideology behind support for the 10th Amendment in an effort to make the laissez-faire ideology appear more like traditional conservatism, and this is what likely explains the rise of the popularity of laissez-faire conservatism in the case of Rand Paul and a few other successful Tea Party members. Were it not for this shift toward something that more closely aligns with traditional conservatism, the popularity of laissez-faire ideology would likely be somewhere back down in the low single digits of the electorate.

The Unpopularity of Oligarchy

There are two factors that make oligarchs in America especially difficult to distinguish from conservatives. The first is that Americans, in carrying on the tradition noted by Edmond Burke in the case of England, tend to use money as a principal measure of independence. So, one would expect that much of the time, oligarchic interests and conservative interests might overlap. The second factor that makes oligarchs difficult to distinguish from conservatives is that they usually do not announce themselves as oligarchs, and quite often use conservative

rhetoric during election campaigns if they are Republicans (if they are Democrats, then they use egalitarian rhetoric). For these reasons, the scholar who wishes to distinguish conservative politicians from oligarchs and also measure the popularity or unpopularity of those ideologies must examine particular actions the politician took, identify those actions as being clearly distinguishable as either an oligarchic action or a conservative action, and then gauge the reaction of the conservative constituency. If the conservative constituency consistently reacts positively to oligarchic actions, then one could make the case that conservatism in 21st century America can be explained by the pursuit of money and restriction of political office to an elite few. If the conservative constituency consistently reacts negatively to oligarchic policies that clearly do not overlap with conservative policies, then we should consider whether conservatism can really be explained by oligarchic actions.

Consider this: never has there been a Republican candidate for President who ran on a platform in the primary election that as President they would secure natural resources through violence and war abroad⁸⁵, double the national debt, increase social and corporate welfare⁸⁶, bail out large banks, and allow massive amounts of illegal immigration⁸⁷. Rarely, does anyone claim that these actions are representative of conservative values. Yet, these are exactly the

⁸⁵ For a much more balanced interpretation see: Brian C. Schmidt and Michael C. Williams, *The Bush Doctrine and the Iraq War: Neoconservatives vs. Realists* (Securities Studies, 17:2), 191-220. The key here is the definition of "interests". The article does an excellent job of showing how neoconservatives exploited weaknesses in realist understanding of national interests. It does not address the question of whether the redefinition of national "interests" in practice, are primarily oligarchic interests, or the interests of America as a whole.

⁸⁶ For an interpretation that acknowledges these points and conservative reactions against Bush, and also acknowledges that Bush was unique to the conservative landscape see: Casse, Daniel. "Is Bush a conservative?" *Commentary* 117.2 (2004): 19+. *Literature Resource Center*. Web. 22 Apr. 2015.

⁸⁷ Wroe, Andrew. *The Republican Party and Immigration Politics : From Proposition 187 to George W. Bush / Andrew Wroe*. 1st ed. Studies of the Americas. New York: Palgrave Macmillan, 2008.

actions that were taken by President George W. Bush over the course of his eight years as President.

These are all actions we might expect an oligarch to take. We would expect them to secure both markets and vital resources through violence if necessary. We would expect them to funnel money to business interests through government spending. We would expect them to support large corporations. We would expect them to support importing cheap labor into the United States so that businesses could make bigger profits.

The question is whether or not these actions also primarily define conservatism. The fact that these are not consistently promoted actions in Republican primary campaigns is one sign that these do not represent conservatism. It is possible, however, that conservatives themselves support these issues, but that they know they are not popular with the wider electorate, and so, in order to not alienate potential voters in the general election, conservatives try to keep the rhetoric regarding these issues to a minimum in the primary. If this is the case, we must look at the conservative reaction to these policy decisions that were made under the George W. Bush Administration. We would expect that if conservatives did not agree with oligarchic policies, and that if oligarchic policies did not define the vast majority of conservatives, that there would be a negative reaction to these policies...and there was. It ultimately manifested itself in the Tea Party movement.

There are a variety of ways the Tea Party movement has manifested itself in American politics, but the most straightforward understanding of the movement is that it was a reaction both against oligarchy, and against egalitarianism. The central aim of the movement is to limit

the size, scope, and spending of the federal government and to preserve what is understood to be long-standing American traditions and culture. In most respects, the Tea Party movement is indistinguishable from the conservative movement spearheaded by the “Contract with America” in 1994. The main difference between the two is that post 9/11, conservatives have been more likely to support military intervention abroad⁸⁸ (though this has certainly waned in recent years). But even if we accept that Tea Party conservatives are more hawkish than their predecessors, they are also much more likely to care about border security than they are about placing ground troops in Syria, Libya or Yemen. Since the use of military force has become more ambiguous, the remainder of the paper will instead focus on a handful of other issues that illustrate the negative reaction of conservatives to oligarchic policies.

The policies we will examine, beginning in the year 2001 and ending in the year 2015, are immigration, corporate and social welfare, and federal spending. Oligarchic and laissez-faire variants of conservatism cannot adequately account for the opposition to immigration, naturalization and amnesty in the Republican Party. Oligarchs have an interest in promoting access to cheap labor for businesses which cannot easily be exported overseas (i.e. fruit pickers, meat packers, domestic servants, and hospitality workers). Jeb Bush (George W. Bush’s brother) is actively supporting naturalizing most of the illegal immigrants currently in the country and thinks that large amounts of immigration is a good thing.⁸⁹ Rand Paul thinks that

⁸⁸ For an interesting rhetorical analysis of how G.W. Bush promoted this see: Spielvogel, Christian. "You Know Where I Stand": Moral Framing of the War on Terrorism and the Iraq War in the 2004 Presidential Campaign." *Rhetoric & Public Affairs* 8, no. 4 (2006): 549-69.

⁸⁹ Jeb Bush and Clint Bolick, *Immigration Wars* (New York: Simon and Schuster, 2013), 10-30.

labor has a right, just like capital does, to move between borders.⁹⁰ So if laissez-faire conservatism is the dominant form of conservatism, why is there so much opposition, including from Tea Party presidential candidate Senator Ted Cruz, about immigration?⁹¹ And why was “The most recent push to pass immigration reform, during the George W. Bush Administration...scuttled in large part because grass-roots conservatives rose up against the effort.”⁹²

Some may say that this situation is explained by xenophobia or simple racism within the Republican Party. But the findings of Nate Silver at FiveThirtyEight show that when the proper conditions are attached to the approval of immigration naturalization, like increasing border security and requiring immigrants to learn English, support for immigration reform by Republicans increases on average by 35 points.⁹³ That change doesn’t seem to support the xenophobia or racism claim.

So what does explain this large group of the Republican electorate who currently oppose our lax immigration policy? The most likely explanation is that they are traditional conservatives. We would expect traditional conservatives to oppose illegal immigration for two reasons. The first reason is that massive amounts of immigrants coming into the country cannot

⁹⁰ On the Issues: Every political leader on every issue, http://www.ontheissues.org/2016/Rand_Paul_Immigration.htm (accessed June 15, 2015)

⁹¹ Greg Sargent, “Ted Cruz: Oppose immigration reform in name of ‘our humanity’,” *The Washington Post*, June 19, 2013, <http://www.washingtonpost.com/blogs/plum-line/wp/2013/06/19/ted-cruz-oppose-immigration-reform-in-name-of-our-humanity/> (accessed June 15, 2015)

⁹² Micah Cohen, “In Immigration Reform, Republican Support for Citizenship Hinges on Obstacles” *New York Times*, JUNE 21, 2013 http://fivethirtyeight.blogs.nytimes.com/2013/06/21/in-immigration-reform-republican-support-for-citizenship-hinges-on-obstacles/?_r=0 (accessed June 15, 2015)

⁹³ *ibid*

properly acclimate and adopt America's culture and traditions (usually measured by speaking English and following established laws and cultural norms). The second reason is that often immigrants are poor and are in need of social welfare, especially if they have children.

Conservatives may worry that if these immigrants are naturalized and become citizens, they will effectively vote for egalitarian politicians as a form of patronage, exchanging their votes for the promise of welfare benefits, thereby creating the type of long-lasting dependence that conservatives loathe.

So, traditional conservatism can potentially explain why many Republicans wouldn't support a blanket immigration reform, but would likely do so if conditions were met that would mitigate their concerns about uncontrolled immigration and political patronage. In any event, neither oligarchy nor laissez-faire variants of conservatism can explain the large amount of opposition to a more open immigration policy in the Republican Party, even at a time when Republicans are somewhat desperate for Latino votes.⁹⁴

The second issue that can serve to distinguish the oligarchic presidency of G.W. Bush from conservatism is welfare, both social and corporate. As President, Bush added an entire new welfare program to Medicare (Part D). At first glance, this might not seem like an oligarchic policy at all, until one takes a closer look at the details of the plan. According to one left-wing user and critic of the plan, "As Congress debated what was to become the Medicare Modernization Act of 2003, drug companies, insurance companies, HMOS, industry trade associations, and advocacy groups spent more than \$140 million on lobbying and deployed at

⁹⁴ Tim Alberta, *Rubio Pollster: GOP Must Top 40% with Latinos if They Wish to Win White House in 2016* (National Journal, March 31, 2015) <http://www.nationaljournal.com/2016-elections/rubio-pollster-gop-must-top-40-with-latinos-to-win-white-house-in-2016-20150331>

least 952 lobbyists, according to a 2004 Public Citizen report. Their biggest priority: to prevent a system in which the government had the power to negotiate drug prices, as it does in purchases for the Department of Veterans Affairs, the Department of Defense, and the Public Health Service.

It worked. "Drug company lobbyists were unbelievably successful in getting a sentence put in the legislation saying the government cannot negotiate or set prices," notes Dr. Sidney Wolfe, director of Public Citizen's Health Research Group. "And once you had that, it became pure privatization, a free-enterprise system."⁹⁵ As a result "In fact, one of the Medicare Modernization Act's biggest handouts to the drug industry was its reclassification of 6.2 million low-income elderly and disabled people who had been receiving drug coverage through the Medicaid program. The new law forced these people into Part D; now the government subsidizes the same drugs at higher prices. According to the 2007 House report, that change alone stood to increase drug company profits by an estimated \$2.8 billion in 2007."⁹⁶ And the key takeaway is "None of these measures addresses the core weakness of the program—its obligations to the insurance and drug industries. Medicare Part D is a small-scale model of just the kind of system some Democrats, including Barack Obama, now propose—a government-subsidized health insurance plan, one that preserves the profits of private middlemen at a high cost to citizens' and government coffers."⁹⁷

⁹⁵ James Ridgeway, *Medicare's Poison Pill* (Mother Jones, Sept/Oct, 2008), <http://www.motherjones.com/politics/2008/09/medicares-poison-pill>

⁹⁶ Ibid.

⁹⁷ Ibid.

One would expect that if Medicare Part D was not oligarchic by design that citizens on the left would have been supportive. Yet, the analysis quoted above was not at all uncommon when the legislation was passed. Viewed properly, Medicare Part D was a subsidy for both drug companies and insurance companies, which is exactly what we would expect from an oligarch.

Gigantic subsidies for the private sector didn't end there during the Bush administration. There were also large subsidies for big agriculture companies, energy companies⁹⁸ and protectionist measures were put in place to protect both ethanol producers⁹⁹ and steel producers¹⁰⁰. Additionally, large loans were given to banks in 2008 under the Troubled Asset Relief Program, in order to bail them out of financial collapse.¹⁰¹

There isn't any principal *per se* that would prevent a conservative from perhaps supporting some of these policies. It may indeed be the case that TARP was the best solution to a serious financial problem, and that economic collapse would have threatened the financial independence of millions of Americans. However, taken as a whole, when almost every policy an administration enacts favors large corporate interests, oligarchic values seem to explain much more of the behavior.

This brings us to our final and perhaps most consistent measure of conservatism: federal spending. Since conservatives recognize that sometimes government, including the federal government, does need to take broad, and perhaps expensive, actions to support durable

⁹⁸ Cleveland, Cutler J., and Kaufmann, Robert K. "Oil Supply and Oil Politics: Déjà Vu All over Again." *Energy Policy* 31, no. 6 (2003): 485-89.

⁹⁹ Glozer, Ken G. *Corn Ethanol : Who Pays? Who Benefits? / Ken G. Glozer*. Hoover Institution Press Publication 569. Stanford, Calif.: Hoover Institution Press, 2011.

¹⁰⁰ "Global Steel: Towards a Meltdown." *Economic and Political Weekly* 37, no. 16 (2002): 1500-502.

¹⁰¹ Lefebvre, Adelaide D. *Government Bailout Troubled Asset Relief Program (TARP)*. Nova Science Publishers.

independence, federal debt itself is not always a vital concern for conservatives. As was pointed out earlier in the paper, some debt may enhance independence in the long-run. However, federal spending and national debt are used as a proxy by conservatives for how well over-all the central government is abiding by conservative principles. Exponentially and ever increasing amounts of federal debt, from a conservative point of view, is a sign that probably both people and businesses are becoming too dependent on the central government. And dependence, from a conservative point of view, is a very undesirable thing.

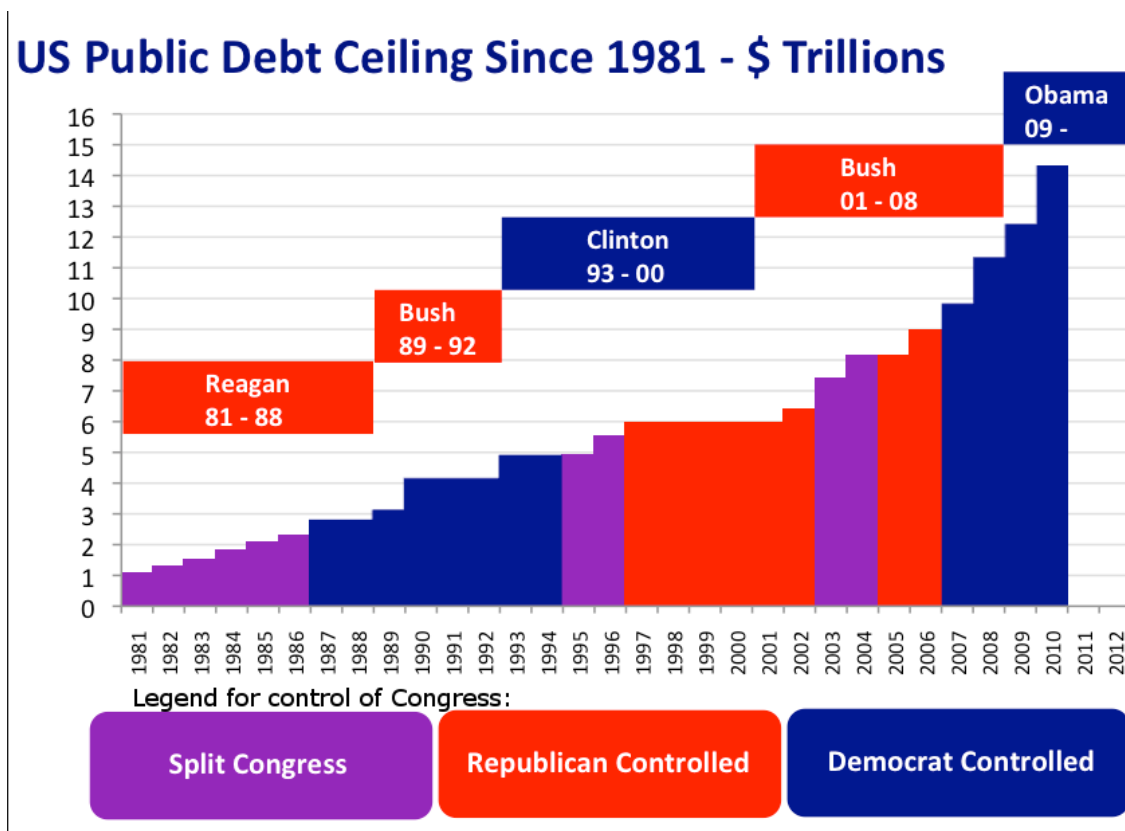


Figure 2: US Debt Ceiling Graph¹⁰²

¹⁰² Wikipedia contributors, "History of United States debt ceiling," *Wikipedia, The Free Encyclopedia*, https://en.wikipedia.org/w/index.php?title=History_of_United_States_debt_ceiling&oldid=653394906 (accessed June 16, 2015)

“Initially, Tea Party protests followed a script that mostly reflected the aspirations of the movement investors, with early Tea Party protests focused heavily on President Obama’s health care initiative, but in fairly short order, local Tea Party groups took initiative in defining their own goals and did not always share an agenda with the monied interests supporting the movement, for example in their opposition to raising the debt ceiling.”¹⁰³

Few if any studies or theses have been put forward that directly tie the Tea Party Movement to the Contract with America cohort while excluding G.W. Bush as this paper suggests should be done. But in 2010, one Tea Party group did attempt to make the connection by generating and issuing a “Contract from America” in which people voted online for their top ten issues for the 2010 election. The one common theme among all ten was that they aimed at taking away power from the federal government by limiting taxes, spending, and regulations. (Noticeably absent from the list was a demand for term-limits. Apparently these conservatives had learned their lesson after 2000.)¹⁰⁴

If we accept that in practice, exponential federal debt is an important concern for conservatives who value independence, we can see the disconnect between oligarchic as well as egalitarian policies, and those which are usually considered conservative. One might view the Tea Party as a simple reaction against the presidency of Barack Obama, but that doesn’t explain the increase of Republican primary challenges beginning in 2010.¹⁰⁵ The Tea Party movement at the federal level hasn’t been inconsistent with traditional conservatism. Despite the fact that

¹⁰³ Nella Van Dyke and David S. Meyer, *Understanding the Tea Party Movement*, (Burlington VT: Ashgate Publishing, 2014), 1.

¹⁰⁴ Teddy Davis, *Tea Party Activists Unveil ‘Contract from America’* (ABC News, April 15, 2010), <http://abcnews.go.com/Politics/tea-party-activists-unveil-contract-america/story?id=10376437>

¹⁰⁵ Jeff Zeleny, *GOP Braces for More Discontent in Primaries* (New York Times, Sept 13, 2013), http://www.nytimes.com/2010/09/14/us/politics/14memo.html?_r=1&

funding for some Tea Party organizations has come from monied interests, those interests are usually libertarian-leaning interests rather than strictly oligarchic interests. The fact that Tea Party candidate Ted Cruz could give a speech in Iowa at a forum hosted by a large ethanol producer about why Cruz does not support ethanol mandates or subsidies for agribusiness, is one example of how monied interests do not always have the influence they are assumed to have among Tea Party politicians.

The most straightforward analysis of the Tea Party is that laissez-faire conservatives and traditional conservatives have joined forces against both oligarchic and egalitarian policies at the federal level. What is interesting is that the Tea Party is almost exclusively active at the federal level. State level Tea Party activity is hardly noticeable. Part of the reason for that is because, as was addressed earlier in the paper, laissez-faire conservatives have either adopted more traditional conservatism, or masked their philosophy behind the 10th amendment. If they were to make serious bids for state governments while remaining consistent to their philosophy, then which side of the fence they stand on (the side with a strong sense of individual rights or the side dedicated to promoting durable independence) would likely be revealed, and the laissez-faire conservatives would likely not be popular enough to get elected.

But at the federal level, at least, the lines are drawn with libertarians and conservatives on one side united against large amounts of federal spending, debt and welfare, and, on the other side, egalitarians and oligarchs committed to issues that require large amounts of spending and debt, albeit for different reasons.

In terms of palatability, and whether oligarchic values have been the dominant values of the Republican Party over the past twenty years, this paper has made the case that during those years from 1995-2000 when Republicans instituted more conservative policies, they were quite popular both within the Republican Party and among the general electorate. And that when the Republican Party shifted toward oligarchic control from 2001-2008, and when the Republican Presidential candidates in 2008 and 2012 were both oligarchic,¹⁰⁶ the party was soundly defeated and increasingly lost support both within the party and among the general electorate. While it is true that laissez-faire and traditional conservatives are both currently united under the Tea Party banner, and have been very successful as a movement, the paper has already shown that the laissez-faire wing of the party hasn't traditionally had that much popularity in the party, or among the general electorate, and that the extent that they do now is mostly a result of a rhetorical ideological shift away from strict individualism and toward traditional conservatism via the propping up of the 10th amendment.

Ultimately, what we are left with is a very unpopular laissez-faire ideology, a very unpopular oligarchic ideology, and a very popular traditional conservative ideology that while effective when focusing on federal spending and debt, has yet to fully recognize and articulate their ideology to the public on a consistent basis. The fact remains, however, that the underlying value of durable independence is likely far more popular and palatable than the other competing conservative variants. And because of this, when we refer to "conservatives"

¹⁰⁶ John McCain may be understood to be oligarchic because of his military interventionism, his support for illegal immigrants, and his approval of budget deficits. Admittedly, his support of campaign finance reform would be an issue where his views would probably not align with the oligarchic view, however.

in American, we ought to primarily be referring to those who, like Burke, value durable independence.

CHAPTER 7:

CONCLUSION

Conservatism has been a notoriously difficult ideology to define. This makes conservatism an especially difficult subject for political scientists to study. For example, if we want to measure if egalitarianism is successful, we can see in what respect people are equal; if we want to measure how free people are, we can measure their political rights; if we want to measure how happy people are, we can do satisfaction surveys. But, how would a political scientist who wished to measure how conservative a population is do so without a clear definition of conservatism?

If we were to assume that up to 40% of the population of the United States are conservatives (as we commonly refer to them), then without an adequate definition of conservatism, political scientists simply cannot properly study over one-third of the population. For this reason, properly defining conservatism should be of utmost importance for political scientists. If the dominant form of conservatism in the United States does value durable independence, then conservatism isn't being measured properly by political scientists.

This paper has made the case that traditionally conservatism has been defined by the value of durable independence as exemplified by Edmond Burke. Additionally, the paper has put forth some plausible reasons why durable independence might still define conservatism, and better explain conservatism's popularity than other potential conservative variants. For

these reasons, when we refer to conservatives we should be referring to those people whose primary value is durable independence. And, if a politician expresses views that value something more highly than durable independence (like money, orthodoxy, or individual freedom), then they should be referred to as something else other than conservatives.

In terms of further research, a suggested starting point might be a meta-analysis of what types of variables have been previously used to study “conservatives”, and to compare those variables to those we might derive from durable independence. For example, if we take the school-prayer question from earlier in this paper. It would not be enough to inquire about one’s position on whether they approve or disapprove of public school-prayer if we wish to examine the true conservative view. Instead, it would be more beneficial to ask whether they primarily promote school-prayer because they think doing so will reduce crime, or diminish divorce, or improve school performance, or, whether it is for strictly religious reasons.

There are a wide variety of issues and ways to measure things that might require adjustment if we are take into account and isolate the conservative view, but first meta-studies should be conducted to see how much of this has already been done. Of course, the next step would be to design inquiries and measurements that fill the gaps in knowledge, which take the conservative view as durable independence into consideration, perhaps ultimately culminating in the construction of a Conservative Index, or Indexes.

In any event, conservatives are worthy of ongoing and serious study, and the hope is that this paper might contribute something that will help make future hypotheses about conservatives more accurate. Ultimately, we cannot define conservatism by the words and

actions of a few modern leaders. We have to look to the conservative electorate and see how they respond to both the rhetoric and actions taken by so-called “conservative” politicians. Only in this way can we hope to understand just what it means to be a conservative today. I think that if this research is conducted, we will find—just like a careful examination of Burke found—that the value of durable independence is what best explains the political views of conservatives, and that those who value something else more highly than durable independence should not be referred to as conservatives.

CHAPTER 8

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