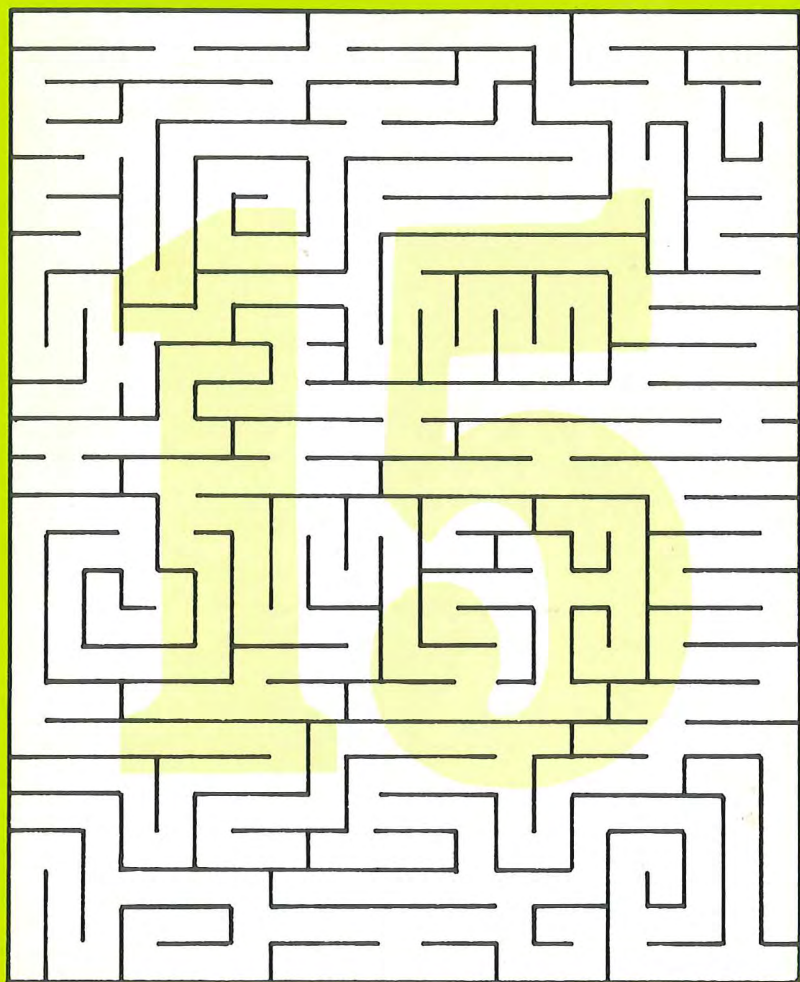


IDEAS ABOUT FREEDOM.

A Discussion.



Kenneth R. Minogue • John Gray
with comments by Hannes H. Gissurarson



Occasional Papers

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Foreword

The papers in this book are concerned with the principles of conservatism and liberalism and their mutual relations. This may seem to be a tall order in a down-to-earth polity like Australia, where liberal and conservative ideas are thoroughly intertwined in both of the major political parties and often wander between them according to the electoral necessities of the day. Yet it is worthwhile to examine those relations not only as an exercise but also as a contribution to the political process. This is not to say that the Centre for Independent Studies is entering the party-political arena; it is just because it is above party that the Centre may be politically effective. This is perhaps in no way better illustrated than by the publication of the following papers.

Traditionally, conservatives have looked upon liberals of all shades as intellectually arrogant, with their claim to know all about the fundamental principles of the good society. Yet the charge is only too often reversible, for commonly the conservative will present traditions as ways of privileged access to the same kind of knowledge - insight into the elements of the good society. It is part and parcel of Australian party politics to exacerbate this tendency on both sides of the political fence and to conduct politics by staking high claims to knowledge. In this sort of politics there is no room for ignorance, even where that is the best knowledge available; one must always appear to know better than the opposition. In this way both the liberal and the conservative streams assume a hectoring rationalism that does no credit to either.

There is, however, another side to both lines of thought. Long before the emergence of political conservatism as we know it, there was a familiar argument for adherence to tradition; an argument that did not see tradition as the way of truth but rather emphasised how much less we can know about alternative, untried ways; an argument that did not see change as inherently wrong but merely difficult and therefore often a mistaken means to the end in view. Similarly, there is a brand of liberalism which, while not claiming that the greatest possible individual liberty is either inherently good or certain to secure the maximum good, whether economic, moral or other, maintains that a society that does not assume individual liberty as the supreme value, or at least the highest *prima facie* value, will have instead to presuppose a degree and a kind of knowledge - moral, political, economic - that is not generally available.

Neither of these negative or sceptical forms of conservatism or liberalism carry much weight as party platforms, on the hustings or in parliamentary debate. They are a platform for the intellectual opposition, an opposition which has as its target establishment politics on both sides of the party-political fence in Australia. During the past ten years the Centre for Independent Studies has established itself as one of the most important vehicles for this intellectual opposition, and its publication of these papers is significant because they explore the coherence of the sceptical conservatism and liberalism that together inspire fruitful political criticism - a criticism party politics much needs but cannot itself engender.

Knud Haakonssen

Hayek and Conservatism: Beatrice and Benedick?

Kenneth R. Minogue

Introduction

In politics, liberalism and conservatism are a good knockabout turn. They berate each other with taunts and send theories - or anti-theories - into battle against each other. Conservatives think of liberals as the source of a ceaseless babble of projects for reform, and of endless talk about freedom. They think of liberals as reformers so bent on perfecting the world according to some abstract set of principles, that they rise untutored from each new disaster to offer yet again a new plan. 'A plan to resist all planning may be better than its opposite', remarks Professor Oakeshott (1962:21) of *The Road to Serfdom*, 'but it belongs to the same style of politics'. Secure in his realism, the conservative regards the liberal much as Beatrice treats Benedick:

I wonder that you will still be talking,
Signior Benedick; nobody marks you.

Meanwhile the liberal, in love with his model of an improved future, is barely able to comprehend affection for a past which he sees as essentially imperfect. Conservatives, we learn from Professor Hayek, are marked by 'a timid distrust of the new as such', and he contrasts such timidity with the courage and confidence of liberals (Hayek, 1960:4). Conservatives 'fear ideas' and are 'bound by the stock of ideas inherited at any given time'. They 'refuse to face the facts' (Hayek, 1960:404). In these terms, the conservative is little more than a tiresome hangover from an irrelevant past, and even the best kind of conservative in liberal eyes (such as a Thatcherite) will be accused (as by George Watson in an argument to the Libertarian Alliance in London) of falling into contradiction by 'attempting to combine economic liberalism with anti-liberal views on personal and social issues'. Conservatives being thus recognised

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as little more than an unrationalised hangover from a bad past, the liberal replies, like Benedick:

What, my dear Lady Disdain!
Are you yet living?

Clearly, this is an encounter of temperaments as much as theories; and just as we all know that Beatrice and Benedick are going to end up in a union of mutual derision, but a union nonetheless, so also do we know that liberals and conservatives, when they get down to business, know how to agree and to cooperate. By God, they'd better, for not too far away may be discovered a set of enemies - Don John and his confreres, no doubt - who seek to destroy them both. These are the ideologists - the radicals and totalitarians of all flavours whose ambition is not to preserve and improve society but to transform it out of all recognition. It is significant that, on radical lips, the supporters of what ideologists contemptuously refer to as the 'status quo' are indifferently referred to as 'liberals' or 'conservatives', depending on which name will be found the more insulting to the relevant audience.

Hence the ideologist will refer to anyone who opposes his revolution as 'conservative', with the result that the term 'conservative' has not only the **specific** meaning of a party that tends to emphasise what we have inherited from the past, but also the **generic** meaning of anyone who opposes revolution. Similarly, all politics in a capitalist state is regarded by Marxists, who constitute the heartland of ideology, as **liberal**-democratic, and what goes on in universities is often comprehensively described as 'liberal scholarship'. The consequence is that 'liberalism' refers not only to the party of reform, the party of those who seek to strike off whatever shackles upon our liberties they discover, but also to the entire mode of politics in modern societies.

My aim in this paper is to explore this situation, and I hope to achieve several things. One is to clarify the often confusing relations between the various named bodies of doctrine in terms of which we understand contemporary politics. Another is to reveal the main differences between these political doctrines and the ideologies that seek to destroy politics. My main concern will be to argue that much of what looks conservative in Hayekian liberalism is actually ideological, and I shall have to do so rather summarily. Finally, I shall argue that in practical terms, contemporary liberalism would be wise to keep an ear cocked to what conservatives have to say.

Doctrines and Ideologies

As a preliminary clarification, let me suggest that there are in modern societies no more than three genuinely distinct political doctrines, and that their relations are generally misconceived. The three doctrines are liberalism, conservatism and socialism. It is true, of course, that many political parties have other names, but they are not doctrinally significant. Names must never be confused with descriptions. In the United States, for example, 'democratic' and 'republican' as party names describe beliefs shared by members of both these parties, while the common use of 'national' as a party name is generally nothing but an attempt to gain a rhetorical advantage by standing for the common rather than some sectional interest. Nationalist doctrines do indeed play an important part in the politics of some countries, but they are usually invoked because of some specific goal (such as national independence) which belongs merely to a stage in the history of a state.

The confusion is compounded when we construe political tendencies in terms of the linear polarity of 'left' and 'right', which we inherit from that prime source of ideological enthusiasm, the French Revolution. Such a construction not only involves us in the fatuities of the 19th century doctrine of progress, but also immerses us in the mischievous pseudo-sociology of class on which most ideologies are built. Instead, we must see each of these tendencies as partners - but reasonably distinct partners - in our continual dialogue about how best to arrange a modern society. The partners are somewhat difficult to see straight because each of them is constructed on a different kind of principle.

Conservatism, for example, is an emphasis upon the traditions of the society in question as a guide to how governments ought to act, and it stole a march upon other political doctrines by becoming self-consciously articulated by Edmund Burke and others almost before the French Revolution had revealed itself for the challenge to modernity it was soon to become (see, for example, O'Brien, 1968:71, where Burke's success in forecasting the course of the Revolution even though he was writing before most of the melodrama of the Terror had begun is facetiously attributed to the fact that he 'exaggerates what has already happened'). With this advantage, conservatism was often tempted to present itself as the entire sum of political wisdom, thus provoking liberals into a challenge more theoretically shrill than was entirely wise.

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Liberalism, growing up to the stature of a conscious and elaborated doctrine alongside the ideological enthusiasm of Europe, based itself upon abstract principles and a set of positive values, most of them revolving around the desirability of freedom. It thus became the chosen sheep's clothing in which the ideological wolves could most conveniently disguise themselves, with the result that 'liberalism' and 'radicalism' have become, with national variations, somewhat dubious terms of political self-description.

Socialism, by contrast, may be best anchored as a political tendency that takes its bearings less from the past, or from general principles, than from the specific problem posed to a society by the poor, the handicapped, the ethnic minorities and others who can be construed as less than full members of society. Socialist thought has broadened this concern into the theoretical issues of equality, community and social justice.

The relations between these three doctrines ought to be imagined as triangular rather than linear. The point is that, according to circumstances, any one doctrine can find points of common ground, both practical and doctrinal, with each of the other two. And this is not merely a theoretical possibility but a practical necessity, for each doctrine is the partial articulation of a complete Western political tradition equally available to, and equally pressing upon, all parties. Further, it must be counted a fundamental maxim of political life that no political doctrine is appropriate to all political emergencies; for which reason it is a common situation to observe, for example, conservative governments acting in a liberal or a socialist manner. Whether such catholicity of policy is always wise is of course debatable, but what is not debatable is that the charge of 'betrayal' that arises in these circumstances is misconceived.

It is difficult to see our political life in all its multi-dimensional complexity because getting one thing straight tends to skew our understanding of something else. For example, to emphasise as I am doing that these party doctrines are fundamentally part of a single engagement to manage our society tends to give colour to the ideological charge that they are all mere versions of the defence of the status quo. In order to combat this charge, one is inclined to emphasise the significance of the differences between liberals, conservatives and socialists, but before one has journeyed far along that road, one begins to construe one or other of these doctrines as if they were the entire sum of political wisdom, and to do that is, as we shall see, the ultimate mistake. It turns political doctrines into forms of ideological enthusiasm.

The Ideal Order

I hope these remarks will help to make clear why some sophisticated students of politics will be unimpressed by the remarks I cited in the first section illustrating the hostility between liberals and conservatives. Such critics would observe that much of the skirmishing in Hayek's writings between the liberal and conservative cases is really shadow boxing. For on closer reading Hayek's famous repudiation of conservatism ('Why I Am Not a Conservative', printed as an appendix to *The Constitution of Liberty* and already referred to above) might no less plausibly be entitled 'Why I Am Not a Liberal'. So far as labels go, Hayek is uneasy that he might be characterised in any way that might taint him with the inevitable opportunism of contemporary parties, and prefers to declare himself an Old Whig. Moving beyond mere labels to substance, Hayek has actually gone out of his way to emphasise certain basic features of a modern society that would seem to be specifically conservative. Thus he takes the view that 'our learning a traditional morality' (1983:1) is an accretion of human power on the same level of importance as the acquisition of a new sense. And by 'morality' he quite explicitly means that right to be restrained on which Burke built a paradoxical throw against the Jacobin defenders of natural rights in the *Reflections on the Revolution in France* (Burke, 1968:149-51). Hayek has observed that honesty, the survival of family life, and respect for private property developed and prospered long before anyone could give an adequate explanation of their value in the creation of wealth.

More important, perhaps, is the fact that Hayek seems to be clearly distinguished from the kind of moralistic liberal - a Benthamite, for example - who affirms some moral principle as the ultimate desirability, and for whom the sum of politics consists in nothing else but the implementation of some such desirability. For in his rejection of constructive rationalism, Hayek is at one with conservatives in drawing upon the actual experience of modern societies as a guide to what is possible. It thus becomes possible to construe Hayek's achievement as in part that of

absorbing into liberal thought the deepest and soundest insights of conservative philosophy - a programme of intellectual reform which demands the greatest powers of self-criticism, historical awareness and detachment. (Gray, 1984:36)

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And yet, caution is in order, and a hint of why may be found in a contrasting remark made by another of Hayek's expositors:

The connection between Hayek's ideas and conservatism really lies only in the fact that, historically, conservatives have absorbed many Old Whig ideas on society. This has usually been a case of intellectual opportunism. Conservatives use those ideas that they find convenient. They rarely accept the whole structure with all its implications. (Barry, 1979:197)

Ah yes, the whole structure and its implications! Such is the sticking point among conservatives, who feature in this literature as opportunists and pragmatists, and it is at this point that the issues start to clarify. Hayek attacks conservatism because 'it does not give us any guiding principles which can influence long-range developments'. What he commends to us is thus nothing less than the framework of an ideal order. As with all such orders, although it may be discovered incompletely instantiated in the world around us (which guarantees its realism) its complete triumph is impeded by false ideas and sinister interests. As Hayek sometimes describes it, this ideal order lives dangerously, because it is periodically challenged by religious doctrines that attack its basic constituents, such as private property and the family. These challenges are, we learn, foredoomed attempts to tilt against the natural order of things, and do not long survive. Indeed, we live currently in the decline of one of the most formidable of these challenges: communism (Hayek, 1983:4). The ideal order is thus both an insight into the reality of the human condition, and a criterion of long-term development. It supplies the chief need of the present era, which is 'to free the process of spontaneous growth from the obstacles and encumbrances that human folly has erected . . .' (Hayek, 1960:4).

Now the abolition of human folly is a tall order, and gives us some clue to the magnitude of Hayek's ambition. Why should we think that our espousal of liberalism can achieve so tremendous a transformation of the human condition? The answer is that Hayek's liberalism is plugged into what he argues has been the dominant tendency of social evolution: and that tendency reveals the superiority of the market process. Experience has shown that the market is uniquely efficient in generating prosperity, and thus supporting more people. (Thus Hayek tells us, no doubt with a sense of amused irony, that the evolution of the division of labour, and of capitalism, has 'favoured' the poor more than the rich: 'it has led to a greater increase of the number of the poor than of the rich' [see Hayek, 1983:6].) The kind of evolution at

issue here is not the genetic mutations of fireflies and the like, but a social evolution in which the promptings of mere nature may not be enough: we must cooperate with nature against human folly. Hence Hayek's doctrine seems to involve itself in a dilemma familiar enough in other areas of political thought: either the market order is the outcome of the process of human evolution, in which case we have discovered a tendency in nature which needs no help from us, or it does need help from our intelligence, in which case it cannot have emerged from the same kind of evolutionary processes with which we are familiar in biology. In Marx, this dilemma is often expressed in the contrast between voluntarism and determinism.

In either case, a further problem arises: Why ought we to cooperate with nature? Nature is, after all, frequently both nasty and wasteful, and human beings belong to a moral world in which mere survival is not enough. Even if the market process were to be recognised as the unique generator of prosperity, we retain the option of preferring other things to prosperity. Now these are questions of immense scope, and Hayek is by no means without answers to them. But they do immediately lead us to recognise something very important in Hayek's thought. It is that the concept of evolution will mislead us if we get too much caught up in its Darwinian associations. For, as Norman Barry remarks in another context:

Conservatives tend to value tradition for its own sake whereas Hayek approaches tradition, as Popper does, from the point of view of the critical rationalist. In fact, he really is interested in only one tradition, the tradition of spontaneous evolution, celebrated by the eighteenth-century writers Smith, Hume and Ferguson and restated by Menger, precisely because it embodies the value of freedom and his special conception of rationality. (Barry, 1979:195)

This 18th century conception of evolution - which Hayek explicitly derives from Bernard de Mandeville's *Fable of the Bees* (see *New Studies*, 1978:249) - is essentially the theological doctrine that God's government of the world is to be found not in miracles and other such prodigies of *dirigisme* but in the orderly operations of laws of social evolution, in which man, blindly following his nose, simultaneously is guided by an invisible hand to promote the common good. From this line of thought we may rapidly arrive at the set of equations most concisely stated in a famous sentence of Burke's: 'The laws of commerce, which are the laws of nature and therefore the laws of God' (Burke, 1861:100). It may perhaps be appropriate to note here that, for

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all the abuse of conservatives in libertarian literature, Burke was a sound Hayekian: 'The moment that government appears at market, all the principles of market will be subverted' (Burke, 1861:98).

We thus have in Hayek's massive and formidable writings two distinct elements. One is his political advocacy of a minimalist state based on the rule of law. The other is an explanatory core of doctrines, some of them philosophical (such as his account of rules and his view of the limits of human knowledge) and others coming within the social sciences (such as his view of the market as a system for transmitting information, or his rejection of macroeconomics). Together these elements constitute a powerful guide to the way a modern society ought to be arranged and directed. And they contain an end or final condition of things which, because in evolutionary terms it represents the fruition of an evolutionary process, we may call a *telos*. It is, no doubt, unfortunate to use the Greek word for an 'end' to describe the Hayekian *cosmos* as liberated from the interference of human folly, because Hayek has himself sometimes adopted an Oakeshottian distinction in which *nomos*, or rule of law, is contrasted with *telos* as standing for an association managed in accordance with some overriding end. But this latter use of *telos* is in any case misapplied when it is used to describe some mere managerial purpose; and the term *telos* fits perfectly the more general scheme I wish to employ. Let me thus define a *telos* in my argument as the idea that within modern politics there is an end towards which things either are tending, or ought to tend, or both. One of the implications of this idea is that the political present is merely a transitional stage on the journey towards the *telos*. And it seems clear that Hayek's political thought contains such a *telos*.

The Journey

It happens that the quintessence of conservative wisdom is contained in denying any possibility of a *telos* in the conditions of modern politics. Socialists are tempted by such a vision: they often take as inevitable the just society that will emerge from the (essentially transitional) process described as 'building socialism'; while liberals are sometimes tempted by the concept of liberation into believing that at the end of the road, all impediments to human self-expression will have been removed. Conservatives, however, take their bearings from the past, and detect no such future; in this respect they ought to be distinguished from reactionaries, about whom it might be said

that they have discovered their future in some fancied golden age of the past. But then, if we press on this point, we would soon discover that all utopias are necessarily constructed out of some or other favoured past. The stark conservative position, however, is that in modern times, Europeans have cast anchor and sailed away from any fixed *telos*, and that their politics consists in making up their laws as they go along. And in using this nautical image, I am of course referring to the famous statement of this view in Michael Oakeshott's essay on political education:

In political activity, then, men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither starting-place nor appointed destination. The enterprise is to keep afloat on an even keel; the sea is both friend and enemy; and the seamanship consists in using the resources of a traditional manner of behaviour in order to make a friend of every hostile occasion. (Oakeshott, 1962:127)

It will be evident that so lonely and terrifying a situation could more easily be borne by earlier generations, most of whom expected before long to leave the ship for a heavenly destination, and who were optimistic that a higher power had the whole thing under supervision. Lacking this belief, later generations have dreamed of some harbour in which to settle. This is why ideologies, which all agree in promising an end to the voyage, have enjoyed a consistent popularity; and it further explains, I suggest, why even so unmistakably modern and realistic a figure as Hayek adumbrates a *telos*.

In Aristotelian terms, a *telos* is that which a thing will normally develop into, where 'normally' simply means 'barring accidents'. The acorn that falls on stony ground will not make it to oak. In the sphere of politics, the *telos* is both the practical condition of full maturity, and also an abstract criterion of what is and what is not to be encouraged. Such a criterion is to be found in the Hayekian process of development, in which reason and criticism triumph over human folly. In this sense, the fruition of *telos* requires the cooperation of human wisdom, but **only in the later stages of the process**. What we thus have is a form of historicism, in which human history up until the present moment has largely been a matter of blundering around, and hence subject to the pure evolutionary criterion of value: that of survival. Now, however, the moment has arrived, within our epoch, in which the point of it all has become clear, with the implication that, so long as false doctrine can be overcome, mankind may take matters into its own hands.

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This doctrine of an insight into history leading to a triumph over human frailty underlies virtually all forms of ideology. It is significantly different from the political doctrines discussed above because it implies that arrival at the *telos* will involve the abolition of politics altogether, for mankind will have discovered the right way for human beings to live. Thus in Marxism the state will wither away. Hayek expects no such complete change; nevertheless, everything pertaining to the market order will have been established once and for all. It will thus be beyond the sphere of politics.

This establishment of a *cordon sanitaire* between the activity of politics on the one hand and the principle of the new social order on the other comes out clearly in Hayek's later evolutionary versions of his argument. Thus,

We do not owe our morals to our intelligence; we owe them to the fact that some groups uncomprehendingly accepted certain rules of conduct - the rules of private property, of honesty, and of the family that enabled the groups practising them to prosper, multiply and gradually to displace the others. . . . It was a process of cultural selection, analogous to the process of biological selection, which made those groups and their practices prevail. (Hayek, 1983:3)

The key word, 'uncomprehendingly', reveals the ideological dogmatism of the argument. For our ancestors, who sustained private property, the family and morality, certainly had their reasons for doing so. They upheld an order that was believed to emerge from divine purpose, and it was integrated in the practical rituals of their religious lives. This is 'uncomprehending' support in Hayek's eyes because he cannot take seriously their beliefs; he regards them merely as sociologically functional to a structure whose rationality has emerged only in Hayek's own theory. But Hayek finds himself in two minds on the question. On the one hand, he is tempted to make conservative-sounding affirmations about the necessity for uncritically accepting rules whose point cannot easily be explicated in terms of instrumental reason. On the other hand, he thinks that the real reason for these rules and practices has now in fact emerged, and it is a straightforwardly utilitarian one: private property, morality and the family all conduce to prosperity, to the multiplication of people, and to the displacement of those who do not live in terms of these practices. The principles of a market order resemble Bentham's utilitarianism in that they supply a supposedly sounder, perhaps

scientific, basis for doing most of the things we have long been doing, and also for reforming the rest.

What we have to deal with, then, is a significant change in the way we ordinarily think about social and political questions. There is, however, a major difficulty: How can we be sure that we have at last understood the final truth of the matter? How can we know that the moment has *now* arrived when we can switch away from religious and traditional thinking to the new discoveries that at last allow us to rationalise the process? For religion, along with many of its associated pieties, which retain their influence on our lives even when we have abandoned the rituals of Christianity, has been revealed as at least part of the 'uncomprehending' way of stumbling upon this manner of transcending human folly. But given that religion and the free market have, in modern times, been conjoined, can we be sure that the present condition of things (by which I mean the moving present in which we live from decade to decade) is *purely* the result of the free market, and that religion is nothing else but the set of mystifications in terms of which we blundered into our happy condition? For both religion and the free market are immensely complex phenomena; vastly more so when we consider them together. Can we even be confident that it is only these two things together that need to be considered in accounting for the modern Western discovery of the secrets of technological prosperity?

Is not the culture of modern Europe also of some significance? Culturally, religion may be seen as but one of the elements that constitute the **identity** of Westerners as they engage in the process of free exchange subject to the rule of law. The character-structure of those who live within the competitive market of capitalism has plausibly been diagnosed as containing contradictory elements (as, for example, in Daniel Bell's theory of the cultural contradictions of capitalism). We do not know the secrets of this mysterious combination, nor do we know with any confidence how it will be affected by the choices we make in managing our societies.

What we do seem to know, however, is that these mysteries have not yet been completely rationalised, and perhaps cannot be successfully understood in rational terms. It has been a long-standing project of moral and political philosophers to give an account of our practices that dispenses with religion, for religion depends merely upon faith, and therefore cannot supply a rational foundation. It would take an optimist, or more precisely an uncritical optimist, to aver that anyone has yet succeeded in this quest; and it is tempting to take the pessimistic view that the quest is inherently impossible, for what we are concerned with

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are ways of life, which begin in all the concreteness of practice and cannot therefore be reduced to formulae (see Oakeshott, 1962, for a brilliant account of the problems involved in trying to theorise a practice). As Bernard Williams has recently argued, moral philosophy is in some respect further removed from social and historical reality than the religion it replaces (Williams, 1985).

The problem may to some extent be formulated in terms of the liberal propensity for abstraction. It is liberalism's specific - and valuable - contribution to the political tradition of the West to analyse social problems in terms of abstract principles, for it took upon itself, from early on, the role of critic of society, and it is by formulating principles of various kinds that we may bring society to some sort of rational test. But the more society is dissolved into a set of abstract principles, the more difficult it becomes to recognise the actual coherence of society in the mirror of a set of incoherent principles. Hayek rightly takes the family to be a central institution of a market order, but another liberal, of a rather different sort, can affirm a central principle of liberalism which potentially conflicts with it:

Liberals believe . . . that government must be neutral in matters of personal morality, that it must leave people free to live as they think best so long as they do not harm others. (Dworkin, 1983)

It is not difficult to extrapolate consequences of gay liberation or the permissive society that may begin to have dire consequences both for the family and for that ebullience of population Hayek seems to value. It is liberals above all who must agonise over the conflict between morality and political necessity, and the reason is that, in political theory, **moral** principles tend to become most exigent. Even a disinterested rationality may well set up its own moral claims. Thus it would be difficult to imagine a liberal like Hayek writing as Burke did to the young Charles-Jean-Francois Depont early in the development of the French Revolution:

Never wholly separte [*sic*] in your Mind the merits of any political Question from the Men who are concerned in it. You will be told, that if a measure is good, what have you [to] do with the Character and views of those who bring it forward. But designing Men never separte [*sic*] their Plans from their Interests; and if You assist them in their Schemes, You will find the pretended good in the end thrown aside or perverted, and the interested object alone compassed, and that perhaps thro' Your means. The power of bad Men is no indifferent thing. (Mansfield, ed., 1984:262; letter dated November 1789)

In considering a passage of this kind, one may apprehend what is defective in, for example, the stark Popperian distinction between the questions: 'Who should rule?' and 'How can we so organise political institutions that bad or incompetent rulers can be prevented from doing too much damage?' (Popper, 1962:121). And the defect arises whenever a purely political question is treated in excessively intellectual terms.

We may sum up this line of argument by offering an image of two tracks of experience of the modern state. In one track will be found the continuing historical process by which modern states have emerged from medieval realms and moved through differing stages - absolute monarchy, oligarchic constitutionalism, democracy and the welfare state, up to the present stirrings of dissatisfaction with the costs of welfare. In the other track will be found the succession of arguments and principles with which commentators, philosophers, pamphleteers, and politicians themselves have come to understand the state and its problems. These principles are a jumble of different kinds: some moral, some prudential, some predictive, some more or less scientific, and how they fit together in producing understandings and proposals depends upon what arguments different people can construct to persuade other people of their point of view.

One way to persuade people that certain of these principles are superior to others and ought to be accorded an overriding importance is to argue that they are warranted by science or philosophy. It is characteristic of ideologies to argue that their ideas are a newly harvested revelation into the meaning of the historical condition; and Hayek's attempt to derive the principle of the market order from the process of evolution must be accounted of the same character. In fact, however, this claim to special status cannot be allowed, partly for the general reason that, apart from a few natural necessities, everything in politics must be argued for; and partly for the special reason that Hayek cannot sustain the distinction between a mystified past and a clarified present, in which his own doctrine is accorded the ultimate privilege of penetrating the secrets of evolution. It is not even clear that evolution (in this sense) **has** any secrets to be penetrated.

It is always tempting, of course, to try to put one's favourite commitments into a glass case and insulate them from the buffetings of the environment. Sometimes religious principles can supply such a temporary refuge, but in our time the academic world has been the major supplier of sets of expedients for impressing simple politicians with the imperative character of certain policies. Several years ago in Britain, no less than 364

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economists were mobilised behind reflationary policies, but the arguments deriving from their supposed academic authority have not survived the test of time. As I write, Wilfred Beckerman is to be found admitting that 'we economists do not possess any firm, scientifically-based knowledge of exactly how economies work', and he proceeds to urge the Chancellor to change his policies on grounds that clearly recognise the rhetorical character of all political argument:

One could continue, bringing in counter-arguments and counter-counter-arguments. Meanwhile, although one cannot **prove** that the Chancellor is wrong, the *prima facie* reasons for believing him to be wrong are so strong that simple common sense and common humanity require that he must not be allowed to continue to inflict misery on millions of people and possibly irreversible harm to our manufacturing industry in the interests of old dogmas and mistakes in economic analysis that were demolished by Maynard Keynes 50 years ago. (Beckerman, 1985)

This is, I think, a bad argument (which, even within the limits I have quoted, contradicts itself) in a bad cause; but it does recognise the central **rhetorical** reality of politics, which is that no political argument can be successfully overborne by arguments of high theory, except perhaps as by way of sheer mystificatory abracadabra, which will not long survive the rough and tumble of our habits of controversy. There are, then, no fortresses in which the principle of the market order may be safely lodged. We must fight for it within the conventions of political debate itself; and we will be very much more alert to the dangers that liberty faces if we accept the challenge of doing so.

Ideology and Identity

Nothing in this argument, then, should be taken as a reason for rejecting the market order. The point is merely to insist that a good argument should not be pressed too far, and that there are logical costs involved in attempting to put political arguments beyond the reach of controversy. We are all tempted by Maginot Lines of the mind that promise to protect our more vulnerable commitments against any possibility of assault; but they will always be subject to flanking attack. Thus when a critic of Hayek transposes a Christian argument about charity into a Fabian argument about community, we get a position such as the following:

there is a point, which cannot easily be specified in advance, at which the inequalities linked to efficiency to pursue a greater value to freedom will threaten a sense of community and fraternity because of the social distance which would be created between those occupying differential positions and the rest of society. (Plant, 1984)

Elaborated in Rawlesian terms, such a position cannot be ruled out of court merely on the ground that it ignores the lessons of evolution. Such a position is, indeed, vulnerable to many of the arguments marshalled by Hayek against social justice. The important point is that if we switch our image of the political dialogue to one of boxing and infighting, then we may say that there is no such thing as a knock-out in politics, and we are only weakened by imagining that there is.

For better or worse, conservatives recognise this point, which is one of the reasons they are often reproached with being timid and untheoretical. They lack ideas, or at least, the kinds of ideas that are often described as 'weapons'. From this point of view, Hayek may confidently be acquitted of the charge of conservatism, which is often levelled at him. His advocacy of an uncritical acceptance of inherited rules and practices is merely part of his repertoire of somewhat paradoxical remarks that cut against the grain of a more conventional liberalism.

Beyond such remarks lies a deeper vein of evolutionary thought in which it is the remote advantages of such observances which constitute their ultimate ground of support. It was common in the political thought of earlier days to commend religion as a most necessary support of any political regime because the untutored mass could otherwise not be brought to see the reason of certain laws (Machiavelli, *Discourses on the First Ten Books of Livy*, Book I Ch.XI, for example). Hayek's evolutionary ideas play a similar regime-supporting role in his thought, and they play it in the same way, for they not only show a higher wisdom at work than our devious individual calculations of advantage, but also deal with the theological problem of evil. For Hayek's liberals are likely to be profoundly uneasy with the world they inherit because of such evils as the irrationality of many of its beliefs, and the unlovely character of a lot of market behaviour if judged from some moral standpoints. In the best traditions of theodicy, Hayek is able to show that all these evils are necessary evils, yet also to allow room enough for activists to do quite a lot in diminishing the hindrances to the market order.

Hayek's account of the market order is thus not - as a thoroughly political argument would be - an assertion of its suitability for people like us, but the insinuation of a *telos* into

contemporary politics. Its tendency is not to argue against competing ways of arranging society, but actually to rule them out of court as misunderstandings of reality. This is archetypically ideological in that a specific proposal is presented as the sum of wisdom; ideological also in that what is ruled out of court, along with the supposed errors of competitors, is any way of life incompatible with the market order. For in the end choices must be made, and the attempt to maximise choices is itself a choice that rules out other possible ways of living.

Above all, perhaps, Hayek's support of inherited institutions is ultimately based upon their consequences in promoting prosperity. The conservative support for what we have inherited arises from, by contrast, a concern with our own concrete identity, and this is a concern for which Hayek, whose strength lies in abstractions, cares little. The conservative view is that we ought not lightly to challenge religious, or patriotic, or habitual practices and loyalties, because these things reveal to us what we are, and no politics that ignores what we are, in all our historical concreteness, can be successful.

Now a concern with the specific identity of modern people is exactly where liberalism, because of its addiction to abstract principles, is weak. A human being in the early modern period was identified with his desires, but in that intensely individualistic period, desires were thought to constitute a coherent system by which possible choices might be rationally judged. The entire apparatus of religion reinforced that system and kept it within limits. But with the disappearance of religion from many people's lives, and the expansion of distractions and possibilities, it might more plausibly be said of the later generations of moderns that they are bundles not of desires, but of mere impulses. This is a very agreeable condition for those living within the prosperities of the West, but it is also subject to evident perils; and we just do not know from generation to generation how society is changing as a result of it. In such circumstances, liberals would be well advised to embrace some of the conservative elements of the political tradition to which they belong. For, as Benedick remarks in declaring his determination to take Beatrice, 'man is a giddy thing', and certain determinations must be made by each of us with such fixity that 'a college of wit-crackers cannot flout me out of my humour'.

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The Liberal and Conservative Intellectual Traditions: Conflict or Convergence?

John Gray

Common currency as it is among conservatives themselves, the belief that there can be no such thing as a conservative philosophy is indefensible. It probably expresses the prejudice that a political philosophy must seek to uncover immutable principles of practical reason whose claims have a rational authority over all human beings. But it is the most fundamental element of a conservative view of man and society, as I understand it, that such principles are not to be found, and are not therefore the object of reasonable search. From this it follows only that a conservative philosophy will not be expressed in abstract principles whose application is supposed to be independent of time, place and circumstance, but will instead express itself in considerations that turn our attention back to the particularities of distinctive cultures and traditions in all their miscellaneous variety. Hence the conservative preference for tacit local knowledge over the claims of theory, for silence as against empty chatter about ideals, and so forth.

Liberal Criticisms

Notwithstanding their respect for the deep insights contained in conservative philosophy, many liberals have still doubted that it can give guidance in practice, and more especially they have denied that conservative philosophy can inspire resistance to prevailing trends. For these liberals, conservative philosophy is disabled from issuing in a radical criticism of existing institutions by its sceptical suspicion of reason and its attitude of deep reverence for tradition. Because it lacks any system of

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principles, it cannot dictate an overall direction of advance in political life, and so is almost bound to suggest acquiescence in the jumble of practices and institutions that history has thrown up. Even if they do not share the prejudice that the object of a practical philosophy is to discover immutable principles, these liberal critics insist that conservative thought is incompetent to guide a policy of radical reform of established forms of political life.

Friedrich von Hayek, the most distinguished contemporary liberal thinker, shares the critical attitude to conservative thought I have noted despite his deep sympathies with many conservative thinkers. In his masterpiece, *The Constitution of Liberty*, Hayek thought it necessary to include a Postscript on 'Why I Am Not a Conservative'. There he argues that 'Since it (conservative philosophy) distrusts both abstract theories and general principles, it neither understands those spontaneous forces on which a policy of freedom relies nor possesses a basis for formulating principles of policy'. And he later observes that

the conservatives have already accepted a large part of the collectivist creed - a creed that has governed policy for so long that many of its institutions have come to be accepted as a matter of course and have become a source of pride to 'conservative' parties who created them. Here the believer in freedom cannot but conflict with the conservative and take an essentially radical position, directed against popular prejudices, entrenched positions, and firmly established privileges. Follies and abuses are no better for having long been established principles of policy. (Hayek, 1960:400-401, 410)

How far is Hayek's criticism sound? Does it, as he supposes, demolish the possibility of a genuinely conservative philosophy? More particularly, has Hayek shown that there cannot be a conservative philosophy consistently favourable to freedom in its applications to policy?

I think not. It is true enough that Hayek's criticisms apply to a powerful tradition of European conservative thought exemplified in the work of de Maistre, Donoso Cortes and Leontiev, for example. Even in England, where conservative thought and sentiment have always had a predominantly individualist character, we have the phenomenon of Disraeli, who from the rich resources of his personal mythology spun an anti-liberal Toryism with all the features Hayek rightly rejects in conservatism - the romantic nostalgia for an irrecoverable and partly imaginary past, the lack of concern for the limitations of

political power, and the willingness to use it to shore up threatened social hierarchies and protect endangered folkways. Hayek's opposition to this sort of conservatism is that of a liberal who values freedom highly, who does not seek to retard social change, and who sees that order in society is not the product of any ordering authority. His criticism is therefore, in a sense, external to the conservative intellectual tradition.

I think, however, that there are powerful immanent criticisms we can make of the anti-liberal conservatism Hayek attacks from without. In the first place, it expresses a mistaken view of the European cultural inheritance. By the end of the 19th century, individualist patterns of economic and social life had spread over most of Europe (including Russia) and there remained almost nowhere a traditional order of unbroken communal ties for conservatives to defend. Where conservatism was a political success - as it was with Disraeli and Bismarck - it achieved this victory by a pragmatic domestication of individualist society and set in motion nothing like the anti-liberal revolution of which Disraeli and other romantic conservatives dreamt. When the liberal order collapsed in Europe in 1914, it was replaced over most of the continent by a brutal, farcical and (in Germany) genocidal modernism, which cut loose from Western moral and legal traditions, nearly destroyed ancient and beautiful forms of life (such as the Gypsy and Yiddish cultures), and produced a Hobbesian anomie rather than a reconstitution of communal bonds wherever its policies were implemented. In turn, 20th century history gives no example of a successful anti-liberal conservative movement, and the greatest of conservative statesmen - de Gaulle and Adenauer, for example - have adopted a managerial and realist attitude to modern society, which accepts its intractable individualism as an historical fate that wise policy may contain but not reverse. And in accommodating themselves to the reality of modern individualism the greatest conservatives have not failed to perceive its sources in some of the most ancient of European traditions - in Roman law and Christian religion, for example.

The reactionary conservatism of romantic nostalgia is, for these reasons, thoroughly objectionable on conservative grounds. It lacks respect for historical reality, which is an element in all genuine conservative thought, inasmuch as it fails to grasp that, at any rate for Europeans and all those who have been drawn into the stream of European culture, to be conservative means to accept and rejoice in the spirit of individuality, which is Europe's chief achievement.

Aside from these historical (or meta-historical) considerations, there is another reason why anti-liberal

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conservatism is fatally flawed in its own terms. We may again begin by noting a great fact of contemporary history - that it has been governments, not markets, that have been the principal destroyers of distinctive traditions. From the communist genocides in Soviet Central Asia and Chinese-occupied Tibet through to the municipal housing policies that wrecked century-old working class communities in Britain, the devastation of traditional ways has come about through the use of political power rather than through the workings of the market. There is, in fact, precious little evidence to support the vulgar academic cliché that market processes tend to produce uniformity and diminish cultural variety. Anyone with eyes to see will be forced to question this cliché simply by noting the vast enclaves of traditional life that flourish in the great American cities.

Theoretical Flaws

But I think we can transcend anecdotal and historical evidence and identify a theoretical reason why anti-liberal conservatism is bound to be self-defeating in practice. Recall that, by contrast with liberalism, conservatism of this sort seeks to entrench endangered hierarchies, to protect threatened traditions, and in general to use government as an instrument for preserving the established pattern of life. Anti-liberal conservatism, in short, cannot be other than statist in practice. But in reposing its trust in political power, anti-liberal conservatism neglects all our knowledge about how governmental institutions actually work. As it is theorised in the closest approximation we have or are likely to get to a real science of politics - I refer to Public Choice Theory - this knowledge tells us that the motives governing politicians and bureaucrats are little different from those inspiring entrepreneurs and consumers: they seek the highest return in benefits for the lowest outlay in effort. Neither experience nor theory offers the least support for the combination of ignorant contempt for market processes with the crazed voluntarism and optimism about political life that characterises conventional political thought and much popular wisdom.

Public choice theory has, in addition to correcting such popular and academic deceptions, identified certain specific features of political life that virtually guarantee the defeat of anti-liberal hopes for the protection of traditions by the state. There is the tendency of governmental institutions to be colonised by collusive interest groups, which exploit their control of state resources to protect and entrench their existing

position. This phenomenon is well known to students of industrial regulation in the United States and has many parallels in the professions. It is not just an incidental defect of political institutions, but a phenomenon that emerges from two unalterable facts - the dispersed character of the interests of consumers and the high cost of information in a large polity. Because of their concentration, and their control of information, producer groups will always be able to colonise political institutions and turn them to their sectional advantage. Hence the actual record of policy-making in modern states - a record of deals among collusive special interest groups - has made many a young politician sceptical (if not frankly cynical) about the prospect of public policies ever promoting the general interest.

Nor is this phenomenon of the domination of governmental institutions by special interests important only because of the resultant injury to economic efficiency. For, as the Keynesian episode amply shows, governmental intimidation by powerful special interests - in this case, trade unions and some business interests - may yield policies that overturn established expectations and ruin long-standing forms of life. In the aftermath of Keynesianism we can see now what its classical liberal critics perceived at the time: that the inflation it sponsors cannot avoid wrecking price conventions, destroying or weakening the disposition to long-term saving, and thereby undermining autonomous social institutions of which the most important is the family. Keynesian-induced inflation has engineered a massive transfer of resources from civil society to government, and in so doing has engendered a war of distribution that has transformed political life. Indeed, it is perhaps not too much to say that the result of inflationist policies supported by conservatives has been to bring about a legal war of all against all in which the state has lost (or been distracted from) its traditional functions.

There is, accordingly, no reason in history or in theory to expect government to be an effective promoter of general welfare or a reliable guardian of established traditions. This is especially but not exclusively the case in mass democracies, where political life is governed by the vote-seeking imperative. Everything suggests that the corruption of government by special interests, and the danger to social stability created by special interests using political power to defend their established positions, are inexorable features of unlimited government whether or not it is democratic in organisation.

There is yet another aspect of the inflation of government that spells a nemesis for conservative hopes of it. I refer here to the capture of important state services by activist ideological

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minorities. As the example of public education shows, such minorities are usually if not invariably hostile to the traditions of their own society, and they aim to use their control of important public institutions to implement large schemes of social engineering. The public choice analysis suggests that it is foolishly quixotic to hope that the conquest of public institutions by ideological activists can be arrested or reversed, and in the case of education the clear implication for policy is to privatise and repeal compulsory schooling laws. Everything in recent experience suggests that the hold of activist ideologies on public institutions cannot be broken by any political measure short of their disestablishment.

I have deployed two arguments in an immanent criticism of anti-liberal conservatism - the arguments that it mistakes our historical inheritance and harbours false hopes of government. A prudent traditionalist will, for these reasons, see the inflation of government beyond its traditional role as a standing threat to what he most values, and he will seek to curb the powers of government in economic and social life rather than to embark on the vain project of capturing government for traditionalist ends. This is only to say that a liberal conservatism is the only viable conservatism today, and to submit that the conservative intellectual tradition, insofar as it is serious and realistic, converges with the liberal tradition as to the institutions it seeks to sponsor. Both conservatives and liberals have reason to seek constitutional limitation of political power and an end to unlimited government.

Policy vs. Philosophy

Convergence on policy is not the same as agreement in philosophy, however, and it might reasonably be objected that a liberal conservatism of the kind I have identified is a very different animal from even a conservative sort of liberalism. The objection has much force. Certainly, at least since John Stuart Mill, liberalism has been characterised by an enmity to custom and convention and a cult of romantic individualism that no conservative can endorse. I think, though, that the contrast goes deeper and further than that between Millian liberalism - with its distinctive combination of rationalistic hubris and sentimental religion of humanity - and any sort of conservatism. For the classical liberals - Kant and Acton, for example - held to a doctrine of progress that we have little reason to accept and is certainly alien to the conservative intellectual tradition. I do not mean by this merely to dissociate conservatism (and myself)

from the belief in a law of progress as it was held by such early liberals as Godwin and Diderot, since it is an obvious reflection on 20th century experience that no such law holds.

My point is the deeper one that no conservative can accept the view of the classical liberals that, in virtue of human nature or the tendencies of social development, freedom is fated to be the condition of all humankind. This belief expresses the liberal version of an historical theodicy - a philosophy of history in which freedom is the *telos* and all cultures and epochs are conceived as stages on the way. I suggest that, if it was ever plausible, this interpretation of history is now definitely unreasonable. As far as we can tell, liberal society emerged in Europe not as a result of the operation of any law, of the demands of human nature or the pressure of any tendency, but by a lucky chance. It is to serendipity, and not to historical inevitability, that we owe our freedom. Nor is there any warrant for the view that, once achieved, liberal freedoms are irreversible. The anti-modernist frenzy of Khomeini's Iran, no less than the 20th century experience of stable totalitarian orders, should lead us to jettison the complacent belief that anything guarantees the preservation of liberty. Rather, a dispassionate consideration of history, contemporary and ancient, should incline us to assent to Spinoza's view that freedom is likely to remain always an exception in the life of the species.

There are good reasons for abandoning the idea of progress as it was understood by the classical liberals and even by the conservative liberals among them (Tocqueville, Constant, Menger and Hayek, for example). For all these thinkers, progress was theorised as an attribute of the human species, a general movement or overall direction in universal history. But, aside from the unreasonable optimism this idea has often fostered, it is incoherent when wrenched from its historical matrix of a natural law ethics. The natural law ethics, however, is itself barely coherent outside the theistic context in which it was found in Locke. Once that transcendental horizon is wiped away, the very notion of a *telos* for all mankind is emptied of sense, and the classical liberal faith that all human societies are bent on convergence in freedom becomes groundless. Once, in other words, the classical liberal idea of progress is dropped, the history of European individualism can no longer be written as if it were the climax of a long evolutionary development. It will instead be seen as a singularity - as an adventure whose upshot remains in doubt. On this latter view, the idea of progress has application only **within** our civilisation - even if our civilisation succeeds in conquering all others. The attitude of Faustian

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discontent embodied in Hayek's remark that 'Progress is movement for movement's sake' (1960:4) will then be seen as expressing a peculiar sense of life of our own culture - a sense of life to which we owe many of our most prodigious achievements as well as much of our unease.

Possibilities Created by Tradition

The tenor of these reflections is that latter-day classical liberals will be wise if they take over from the conservative intellectual tradition a certain humility not often found in liberal writings. 'We' - those who stand by classical liberal ideals of freedom and individualism - are few, feeble and not humankind; but it is a weakness on our part if we seek a foundation for our hopes and commitments in incoherent ideas of progress. Our dedication to our ideals need be no less complete if we acknowledge them to be possibilities created by our own most distinctive traditions. To argue in this way is, in effect, to argue for a genuinely liberal conservatism - a conservatism that sees in our individualist heritage the most resilient and viable part of our cultural inheritance. The development of such a conservatism is also part of our intellectual heritage - though we shall learn more of its character from reading Hobbes and Hume, Oakeshott and Polanyi, than from the writings of Locke, Smith, Burke or Popper. But I think most of the intellectual work remains to be done.

The goal of this paper is to provoke discussion rather than to sketch a doctrine. I have not tried to offer any definition of liberalism or conservatism, since I think it a mistake to attempt to summarise complex intellectual traditions in a few formulae or key ideas. Rather, I have aimed to identify some critical points of convergence and conflict between the two traditions. In so doing, I have also invoked a view of my own - the view that the best argument for liberalism is a conservative one. And here it is well to admit candidly a paradox inherent in my argument. The conservatism that emerges from the kinds of considerations I have adduced is unlikely to be one easily recognisable by most conservatives. For it will result in radical proposals - proposals for the depoliticisation of important institutions from money supply to poverty relief. This will intimidate conservatives who see their role as preserving the rubbish of the past century - its intrusive bureaucracies, inflated welfare services and over-expanded education industries - but it ought not to frighten conservatives who can grasp the argument that our most elemental traditions are now threatened by the jerry-built statist

institutions thrown up by a century of party competition in mass democracies.

The paradox is that a conservatism of this sort cannot help issuing in a radical criticism of existing institutions and practices. It is a hopeful augury that in Britain, America and much of the English-speaking world, classical liberals and liberal conservatives are coming together in the recognition that the things each values will be preserved and fostered only if we are ready to envisage a constitutional revolution that redefines the legal framework within which a spontaneous order in society may be expected to emerge. It is, indeed, the prospect of a new constitutional settlement for the mass democracies that ought to be at the top of the intellectual agenda of every liberal and every conservative. That is another story - though one I hope my remarks have made more plausible.

The Convergence

I have identified in the idea of progress a point of conflict for the conservative and liberal intellectual traditions. Where, though, do these traditions most clearly and naturally converge? They converge unmistakably, I submit, in a conviction of the radical imperfectibility of our species. I do not mean by this that conservatives or liberals are bound to be Augustinian Christians, imbued with a sense of original sin; for we may, with Spinoza and Hume, see the chief source of human imperfection in the insuperable limitations of the human mind rather than any inborn disposition to malice. Both conservatives and classical liberals - the liberals, above all, of the Scottish School - are agreed in repudiating the false hopes for the government of life by autonomous reason spawned in the wake of the Enlightenment. Indeed, the so-called Age of Reason is best recalled (as Hayek has often remarked) as an age of constructivistic superstition. The starting point in political philosophy for both conservatives and classical liberals is, then, a Hobbesian vision in which men are driven to violence and plunged into misery by a frail intelligence, which is defeated at once by ignorance and poverty, which is the natural human lot, and by the passionate competition for the goods of life into which men are so easily drawn. What conservatives and classical liberals join hands in rejecting, accordingly, is the eschatological hope of Marxism and liberalism in its rationalist forms, which envisages an impossible transformation of human affairs in which scarcity, including the most fundamental scarcity of all, that of knowledge, is transcended.

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Having specified a point of conflict between the two traditions at which I believe conservatism has the deeper insights to offer us, I want in conclusion to stress the vital importance of a turn of mind more often found within the liberal intellectual tradition (at its best) than among conservatives. I mean the turn of mind that is ready to subject our most cherished convictions to critical scrutiny. As Hayek (1976:67) has put it, 'Whether Edward Gibbon was wrong or not, there can be no doubt that moral and religious beliefs can destroy a civilisation . . . Against this threat we can project ourselves only by subjecting even our dearest dreams of a better world to ruthless rational dissection'.

In our present circumstance, adopting this critical (and self-critical) stance means a measure of intellectual iconoclasm in which we are ready to be sceptical of fashionable nostrums - from the empty hope that trade, cultural exchange and arms control will bring the totalitarian states within a comity of nations, to the common conservative gut feeling that police power can control the evils of drug abuse. It also means being ready to go beyond sheer critical evaluation to constructive thought about the new framework of institutions we need if we are to escape domination by collusive groups of special interests and activist ideological minorities. Here I cannot see how we can avoid a moment in our theorising about political life that Hayek - somewhat at variance with his own practice, but increasingly in accord with the Spencerian evolutionist turn in his thought - is inclined to write off as constructivist. We cannot avoid seeking to contain the unplanned growth of legislation by imposing on government a regime of rules - a system of principles whose content is best illuminated in the contractarian constitutionalism of James Buchanan and his school. Without a constitutional revolution of this sort, we are surely condemned to tread a weary path to one of the worst of all outcomes - a weak and lawless Leviathan in a political state of nature.

In our present circumstance, we have nothing to hope from further exercises in the sordid and typically incompetent pragmatism that distinguishes conservative practice in the 20th century. As Buchanan (1975:180) has said: '**Free relations among free men** - this precept of ordered anarchy can emerge as principle when successfully renegotiated social contract puts "mine and thine" in a newly defined structural arrangement and when the Leviathan that threatens is placed within new limits'. It is in extending the outlook here expressed, in which a 'conservative' suspicion of progress through cultural evolution is combined with a 'liberal' acceptance at once of the necessity of critical reason and of the limits of reason, that I believe our best

hope of intellectual and practical advance is at present to be found.

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A Conservative Case for Liberalism?

Comments on Gray and Minogue

Hannes H. Gissurarson

Liberals have much to learn from conservatives, as Dr John Gray and Professor Kenneth Minogue cogently argue in their papers. But conservatives have more to learn from liberals, I believe. Therefore, I should like to take issue with some of the views expounded by these two distinguished conservative scholars, although I cannot hope to match their sophistication and erudition. First, I will argue, against both Dr Gray and Professor Minogue, that liberals need not and should not abandon their belief in the possibility of progress. In the second place, I will challenge Professor Minogue's opinion that Hayek's liberalism is ideological in character. Third, I will discuss the indeterminacy of conservatism as it is indeed exemplified by these two conservative scholars, Dr Gray advocating a 'constitutional revolution', Professor Minogue apparently looking with disdain on any such endeavour. Finally, taking my lead from Hayek, I shall try to give an outline of what I believe to be a successful synthesis of conservative prejudices (in Burke's sense of the word; see Burke, 1968:183) and liberal principles. The upshot of my argument is that we should prefer conservative liberalism to the liberal conservatism so eloquently offered by these two writers. This is not a mere play with words, I contend, but indeed the question of the philosophical foundation of the free society.

I am greatly indebted to my supervisor at Oxford University, Dr John Gray, for innumerable illuminating conversations over the last four years on topics discussed in this paper; also to my friends and fellow liberals in Oxford with whom I have many times discussed the problems and principles of classical or conservative liberalism: Chandran Kukathas from Australia, Stephen Macedo from the United States, Andrew Melnyk from the United Kingdom, and Emilio Pacheco from Venezuela. I would also like to express my gratitude to Palmi Jonsson, Ragnar Halldorsson, Petur Bjornsson, and Oddur Thorarensen, all of Iceland, for their encouragement and assistance.

The Possibility of Progress

Dr Gray urges us to abandon the idea of progress, referring to Tocqueville, Constant, Menger and Hayek in this context. But is this altogether correct? While Menger and Hayek certainly have a theory of progress, Tocqueville and Constant do not seem to entertain any such theory: they are pessimists trying to restrain government rather than optimists hoping for a better future. According to O'Sullivan, 'Conventionally, of course, these thinkers are classed as liberals, but their deep scepticism about the future of democracy and the absence from their thought of the characteristic liberal ideal of progress make their inclusion as conservative thinkers entirely appropriate' (O'Sullivan, 1976:43).

In addition, Dr Gray urges us to recognise that liberty is an achievement of our culture, not the end of human history. But most liberals mean something else and more plausible by the idea of liberty than Dr Gray seems to think. They are not referring to its 'inevitability' or 'irreversibility': the history of the 20th century shows only too well how ill-founded such a belief would be (see, for example, Polanyi, 1951:93-7). Liberals are the first to admit that freedom will always, in Benedetto Croce's words, live 'a perilous and fighting life' (Croce, 1978:700-702). The liberal thesis is rather that every human being is, in principle, fit for freedom. It is that even if liberty is an achievement of European culture, as it surely is, it can be shared by non-European peoples. Freedom is indeed a skill; it has to be learned (Minogue, 1983); but most or all human beings can learn it (and, sadly, they can also unlearn it). It is in this Hegelian sense that freedom is, and ought to be, the end of human history.

Liberals believe in the possibility of progress in yet another sense. Progress is not only the extension of freedom to all men. It is also the extension of the common pool of knowledge upon which we can draw, a pool brought about by experiment, innovation, discovery, and elimination of error, all of which are in turn made possible by freedom. This is the great insight that Hayek has patiently and persistently tried to develop over the last 50 years. And, as Hayek writes, 'it is in the process of learning, and in the effects of having learned something new, that man enjoys the gift of his intelligence' (Hayek, 1960:41). Liberalism is not least a theory of how we can coordinate and correct our actions without losing our liberty, a theory unfortunately not well understood by many conservatives.

Liberalism, unlike conservatism, is a generous disposition. In the words of Jose Ortega y Gasset, 'Liberalism . . . is the

supreme form of generosity; it is the right which the majority concedes to minorities and hence it is the noblest cry that has ever resounded on this planet' (Ortega y Gasset, 1932:83). It is the belief that all people are equal in some sense, whether rich or poor, black or white, male or female. Liberalism tries to take all human beings into account, not only those who can afford lobbyists in Canberra or Washington (Stigler, 1975:7). It listens to the whisper of the taxpayer as well as the shout of the rent-seeker. It looks upon every newcomer on the scene, whether an immigrant or a newborn baby, as a potential contributor to our pool of knowledge, and adding to the necessary diversity of life, rather than still another competitor for scarce resources. Therefore, while recognising the great historical and social impediments to freedom in some parts of the world, we cannot exclude non-European peoples from the possible enjoyment of freedom. Neither can we, as Dr Gray seems to suggest, abandon our belief in the possibility of progress as an attribute of human nature. We should rather, I submit, reaffirm what Kant wrote in 1784:

An age cannot bind itself and ordain to put the succeeding one into such a condition that it cannot extend its (at best very occasional) knowledge, purify itself of errors, and progress in general enlightenment. That would be a crime against human nature, the proper destination of which lies precisely in this progress; and the descendants would be fully justified in rejecting those decrees as having been made in an unwarranted and malicious manner. (Kant, 1970:68)

Hayek's Liberalism: Theory or Ideology?

Liberals have, I maintain, a plausible theory of the possibility of progress. This brings us to the second topic on which I would like to challenge our distinguished writers. Professor Minogue tells us that Hayek is an ideologue, trying to deliver us from human folly and offering to lead us to some sweet land of liberty. How should we respond? Let me first note Professor Minogue's somewhat misleading interpretation of Hayek's political program: Hayek's statement in *The Constitution of Liberty* that we need 'to free the process of spontaneous growth from the obstacles and encumbrances that human folly has erected' is read as a call for 'the abolition of human folly'. But these two aims are hardly identical. Hayek surely does not think that we can abolish human folly. Endorsing Adam Smith's and his group's conception of human nature, Hayek writes 'that in their view

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man was by nature lazy and indolent, improvident and wasteful, and that it was only by the force of circumstances that he could be made to behave economically or carefully to adjust his means to his ends' (Hayek, 1949:11). Although human folly is always with us, Hayek believes, as does every reasonable person, that we can dispose of some of its creations.

Professor Minogue then sets out two familiar conservative objections to liberalism: first, that there are no 'knock-down' arguments in politics; and second, that liberals like Hayek take politics to be about efficiency, whereas it is really about our identity - not about what we can have, but what we are, or should be. Let me deal briefly with the second objection (see also Kristol, 1982). The contrast commonly drawn between identity and efficiency is, I believe, mistaken. Nobody in his right mind, and certainly not Hayek, would argue that people simply try to maximise their income. People do not choose to become political philosophers, like Professor Minogue, because of the income, but because that is what they want to be. What economists would say, however, is that if the average income of political philosophers were to fall significantly, they could predict a fall in the number of people aspiring to be political philosophers (I owe this observation to Milton Friedman). Putting it differently (and much too briefly): efficiency is an attribute of the filter mechanisms operating in society and hence is not 'chosen' in a meaningful sense (Alchian, 1977); identity is an attribute of individuals and is to some extent chosen by them.

Turning to the first objection, there are 'knock-down' arguments in politics. At the risk of sounding somewhat dogmatic, I would hesitate to say with Professor Minogue that socialism ought to be conceived as a partner in a continuing dialogue. Socialism is, I would rather contend, an intellectual error, an illusion, as von Mises and Hayek argued 50 years ago in the great debate about calculation under collectivism (Hayek, 1935, 1949; Friedman, 1984; Lavoie, 1985). What they established was that if we are to maintain and improve upon the present standard of living, private property rights to the means of production - the denial of which has traditionally been taken to define socialism - are indispensable. If we are to cope with uncertainty and discover new ways of doing things, entrepreneurs must be free to make the best of their alertness and innovators of their ingenuity. Not less importantly, if we are to correct our mistakes, we must have a way to identify and eliminate them, or to transfer resources from those who prove less efficient to those who prove more efficient. There is, of course, a Popperian asymmetry here on which scepticism perhaps thrives: although socialism can be proven wrong,

liberalism can hardly be proven right. Therefore, I would partly concede Professor Minogue's point and say that although there are knock-down arguments in politics, there are no knock-up arguments.

The conservative objection to Hayek's liberalism - that it is simply an ideology, 'a plan to resist all planning' (Oakeshott, 1962:21), but still a plan - fails to take into account an important distinction. This is the distinction between imposing some ends upon society, as socialists and conservatives alike seek to do, and removing obstacles to the spontaneous growth of society, as Hayek wants. The former kind of politics is ideological, the latter not. Lord Acton (1967:148-9) was arguing as a liberal against the ideological kind of politics when he wrote:

Whenever a single definite object is made the supreme end of the State, be it the advantage of a class, the safety or power of the country, the greatest happiness of the greatest number, or the support of any speculative idea, the State becomes for the time inevitably absolute.

Precisely because politics ought to be not the battleground of ideals but the mutual accommodation of individuals (see Kedourie, 1970:Ch.1), ought we not to conceive of it as Professor Minogue suggests, as a continuing dialogue between conservatism, liberalism and socialism? It has to be a dialogue, but one between all the individuals in a liberal order. My argument is, in other words, that the very concept of a dialogue, of the mutual accommodation of individuals, presupposes liberalism of one kind or another. The liberal style of politics is the only non-ideological style. Even Oakeshott, who condemns Hayek for his ideological style, is not above making strong liberal statements, for example: 'The urge to impose upon a state the character of a *solidarite commune* is certainly a notable disposition but, so far from being the dominant disposition of the modern European political imagination, it is easily recognised as a relic of servility of which it is proper for European peoples to be profoundly ashamed - even if they retain a sneaking regard for the cold comfort of its *solidarite*' (Oakeshott, 1975:321).

The Indeterminacy of Conservatism

There is one great difference between Kant, Hume, Hayek and other liberals on the one hand, and conservatives on the other. The liberals, however sceptical, maintain that there are political principles that can commend themselves to every rational human

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being, whereas conservatives deny the existence of such principles. Liberals believe that every man can, in principle, see the light of reason, saying with Kant (1970:68) *Sapere aude!* - Dare to think! Dr Gray wants to retain this critical liberal tradition. But the Oakeshottian scepticism that he apparently shares with Professor Minogue, and countless conservatives, leads him to what I can only see as some inconsistency. On the one hand, he denies the existence of 'immutable principles of practical reason whose claims have a rational authority over all human beings'. On the other hand, he invokes 'all our knowledge about how governmental institutions actually work'. More than this: he indeed maintains that 'we cannot avoid seeking to contain the unplanned growth of legislation by imposing on government a regime of rules - a system of principles whose content is best illuminated in the contractarian constitutionalism of Buchanan and his school'.

But Professor Minogue, although he does not touch upon this particular subject in his paper, would probably regard the idea of constitutional reform as 'archetypically ideological in that a specific proposal is presented as the sum of wisdom'. By constitutional reform, as proposed by Buchanan (1975, 1977) and his school, we would certainly be challenging some of our habitual practices - something Professor Minogue, however, tells us we ought not lightly to do, as 'these things reveal to us what we are, and no politics that ignores what we are, in all our historical concreteness, can be successful'. This perhaps illustrates the trouble some of us have with the conservative case for liberalism, so well expounded by Dr Gray, which is that there is a conservative case for almost everything. Therefore, I cannot but conclude that Hayek's (1960:398) charge against conservatives, that they are unable to offer any alternatives to present policies, has to be upheld.

Consider welfare rights: the rights that people are said to have to a share in the wealth of the country they happen to inhabit, irrespective of their own contribution. A liberal can argue against such rights on three grounds. First, they can hardly be universalised without unacceptable consequences: an Indian cannot enjoy the same welfare rights as an Australian without plunging the Australian into dire poverty (see Quinton, 1982:142). Second, such rights violate the principle of self-ownership: they are essentially rights in other people, not too different from the rights enjoyed by the lords of the manors some four or five hundred years ago to the labour of their serfs (Nozick, 1974:172). Third, such rights will eventually turn out to be self-defeating: the wealth, a share of which people are supposed to have the rights to, will decrease rather than increase,

because the distribution of income will no longer carry information about the relative successes and failures of people in adapting to circumstances (Hayek, 1980). A conservative, however, can hardly argue consistently against welfare rights on these grounds. Must he not recognise them as 'habitual practices', to use Professor Minogue's words, not to be lightly challenged? They are as much a part of our Western tradition, it seems, as the liberties Dr Gray argues for.

Towards a Conservative Liberalism

I am only too well aware that I have not given the subtlety of our writers' ideas and arguments sufficient due. Trying to be as critical as possible, I have also set their views in somewhat starker contrast to liberalism than is entirely fair: Dr Gray and Professor Minogue are, I take it, rather exploring the tension between conservatism and liberalism than expressing a strong preference for one position over another. But perhaps I have an excuse, if these simplifications and exaggerations of mine serve to stimulate discussion. Surely liberals should take Professor Minogue's caution against political enthusiasm to heart; and they should also recognise, as he does, that the argument is not only about efficiency, but also about identity - about the political arrangements that suit us as we are. Liberals could also learn a lot from the way Dr Gray places liberty within the Western tradition, interpreting individuality as a cultural achievement rather than a given datum. They would, again, all agree with Dr Gray that the politicisation of society poses a great danger to the values that both conservatives and liberals hold dear. But let me finally try to put forward, with desperate brevity, what I believe to be a tenable synthesis of conservative insights and liberal ideas, to which Buchanan has contributed so much, drawing on the ideas of Hume, Kant and Smith, Constant and Tocqueville, Acton and Menger.

Conservative liberalism is a political position firmly grounded in the insight that man is an imperfect, and indeed imperfectible, being. His moral vision, his knowledge of and sympathy with other people, is severely limited. This is an insight that teaches us humility, as Dr Gray, following Hayek, points out. Conservative liberals are acutely conscious of the limitations of human reason. But they do not rest content with it, as conservatives do. They are also aware of the possibilities of human reason. They possess a theory that enables them to understand and to explain the spontaneous growth of society, in particular the growth of knowledge; they have seen the invisible

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hand that can, in the right environment, lead us, or perhaps push us, onwards and upwards. They are Old Whigs for whom, as has been well said, 'evolved traditions and institutions form a social bond that allows people to live together in peace, but which are not ends to be preserved at all cost for their own sake' (Leube and Zlabinger, 1985:11).

Conservative liberalism is a coherent position, since from the same set of premises, conservative prescriptions about individual behaviour and liberal principles regulating economic life follow alike. Social conservatism, relying on family, property, honesty, and the flexible and informal ties woven by religion, autonomous associations and little localities, and economic liberalism, using the market forces to equate supply and demand and to reward successes and punish failures, are not therefore in opposition but are complimentary to one another. The theory on which conservative liberalism is based, the theory of spontaneous order, requires us both to respect the past so far as it is spontaneously evolved, and to refrain from trying to impose constraints on the future, because then we would, as Kant pointed out, be depriving ourselves of the knowledge generated by experiment and innovation; which knowledge we need if our freedom is to have any significance. Without freedom, no knowledge. Without knowledge, no freedom.

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