Several times recently, in posts on this blog discussing the vagaries of current American politics, I've had occasion to reference my own political philosophy by name. This has caused a certain amount of confusion and curiosity, because the moniker I mentioned—“moderate Burkean conservative”—falls nowhere on the narrow range of political opinions allowed into our collective discourse these days.

Now of course a good part of the confusion arises because the word “conservative” no longer means what it once meant—that is to say, a person who wants to conserve something. In today’s America, conservatives who actually want to conserve are as rare as liberals who actually want to liberate. The once-significant language of an earlier era has had the meaning sucked right out of it, the better to serve as camouflage for a kleptocratic feeding frenzy in which both establishment parties participate with equal abandon. Putting meaning back into the words can be a risky proposition, in turn, because so many Americans are used to waving them about as arbitrary noises linked to an assortment of vague emotions, the common currency of what passes for thought in so much of modern American life.

Nonetheless, I think the risk is worth taking, if only because a genuine conservatism—that is, a point of view oriented toward finding things worth conserving, and then doing something to conserve them—is one of the few options that offer any workable strategies for the future as the United States accelerates along the overfamiliar trajectory of a democracy in terminal crisis.

Let’s start with the least familiar of the terms I mentioned above, “Burkean.” The reference is to the Anglo-Irish writer,
philosopher, and politician Edmund Burke (1729-1797), generally considered the founder of the Anglo-American conservative tradition. This is all the more interesting in that Burke himself was none of the things that gets labeled “conservative” in today’s America. For example, while he was himself an Anglican Christian, he defended the rights of Catholics to freedom of worship at a time when this was a very unpopular stance—roughly on a par with defending the rights of Satanists in today’s America—and lent his own home to a group of Hindus traveling in Britain who had been refused any other place to celebrate one of their religious holidays.

He was also an outspoken supporter of the American colonists in their attempts to seek redress against the British government’s predatory and punitive trade policies, and maintained his support even when all peaceful options had been exhausted and the colonists rose in rebellion. Yet this was the man who, toward the end of his life, penned Reflections on the Revolution in France, which critiqued the French revolutionaries in incisive terms, and which has much the same place in the history of Anglo-American conservatism that The Communist Manifesto has in the history of the modern radical left.

This doesn’t mean, by the way, that Burkian conservatives quote Burke’s writings the way Marxists quote Marx or Objectivists quote Ayn Rand. Like other human beings, Burke was a blend of strengths and weaknesses, principles and pragmatism, and the political culture of his time and place accepted behavior that most people nowadays consider very dubious indeed. Those of my readers who want to hear what Burke had to say can find Reflections on
the Revolution in France online, or in any decent used book store; those who want to engage in ad hominem argument can find plenty of ammunition in any biography of Burke they care to consult. What I propose to do here is something a bit different—to take Burke’s core ideas and set them out in a frame many of my readers will recognize at once.

The foundation of Burkean conservatism is the recognition that human beings aren’t half as smart as they like to think they are. One implication of this recognition is that when human beings insist that the tangled realities of politics and history can be reduced to some set of abstract principles simple enough for the human mind to understand, they’re wrong. Another is that when human beings try to set up a system of government based on abstract principles, rather than allowing it to take shape organically out of historical experience, the results will pretty reliably be disastrous.

What these imply, in turn, is that social change is not necessarily a good thing. It’s always possible that a given change, however well-intentioned, will result in consequences that are worse than the problems that the change is supposed to fix. In fact, if social change is pursued in a sufficiently clueless fashion, the consequences can cascade out of control, plunging a nation into failed-state conditions, handing it over to a tyrant, or having some other equally unwanted result. What’s more, the more firmly the eyes of would-be reformers are fixed on appealing abstractions, and the less attention they pay to the lessons of history, the more catastrophic the outcome will generally be.

That, in Burke’s view, was what went wrong in the French
Revolution. His thinking differed sharply from continental European conservatives, in that he saw no reason to object to the right of the French people to change a system of government that was as incompetent as it was despotic. It was, the way they went about it—tearing down the existing system of government root and branch, and replacing it with a shiny new system based on fashionable abstractions—that was problematic. What made that problematic, in turn, was that it simply didn’t work. Instead of establishing an ideal republic of liberty, equality, and fraternity, the wholesale reforms pushed through by the National Assembly plunged France into chaos, handed the nation over to a pack of homicidal fanatics, and then dropped it into the waiting hands of an egomaniacal warlord named Napoleon Bonaparte.

Two specific bad ideas founded in abstractions helped feed the collapse of revolutionary France into chaos, massacre, tyranny, and pan-European war. The first was the conviction, all but universal among the philosophes whose ideas guided the revolution, that human nature is entirely a product of the social order. According to this belief, the only reason people don’t act like angels is that they live in an unjust society, and once that is replaced by a just society, why, everybody would behave the way the moral notions of the philosophes insisted they should. Because they held this belief, in turn, the National Assembly did nothing to protect their shiny up-to-date system against such old-fashioned vices as lust for power and partisan hatred, with results that made the streets of Paris run with blood.

The second bad idea had the same effect as the first. This was the conviction, also all but universal among the
philosophes, that history moved inevitably in the direction they wanted: from superstition to reason, from tyranny to liberty, from privilege to equality, and so on. According to this belief, all the revolution had to do to bring liberty, equality, and fraternity was to get rid of the old order, and voila—liberty, equality, and fraternity would pop up on cue. Once again, things didn’t work that way. Where the philosophes insisted that history moves ever upward toward a golden age in the future, and the European conservatives who opposed them argued that history slides ever downward from a golden age in the past, Burke’s thesis—and the evidence of history—implies that history has no direction at all.

The existing laws and institutions of a society, Burke proposed, grow organically out of that society’s history and experience, and embody a great deal of practical wisdom. They also have one feature that the abstraction-laden fantasies of world-reformers don’t have, which is that they have been proven to work. Any proposed change in laws and institutions thus needs to start by showing, first, that there’s a need for change; second, that the proposed change will solve the problem it claims to solve; and third, that the benefits of the change will outweigh its costs. Far more often than not, when these questions are asked, the best way to redress any problem with the existing order of things turns out to be the option that causes as little disruption as possible, so that what works can keep on working.

That is to say, Burkean conservatism can be summed up simply as the application of the precautionary principle to the political sphere. The precautionary principle? That’s the common-sense rule that before you do anything, you need to figure out whether
it’s going to do more good than harm. We don’t do things that way in the modern industrial world. We dump pesticides into the biosphere, carbon dioxide into the air, and inadequately tested drugs into our bodies, and then figure out from the results what kind of harm they’re going to cause. That’s a thoroughly stupid way of going about things, and the vast majority of the preventable catastrophes that are dragging modern industrial society down to ruin result directly from that custom.

Behind it, in turn, lies one of the bad ideas cited above—the notion that history moves inevitably in the direction we want. Yes, that’s the myth of progress, the bizarre but embarrassingly widespread notion that history is marching ever onward and upward, and so anything new is better just because it’s new, which keeps so many people from asking obvious questions about where our civilization is headed and whether any sane person would want to go there. I’ve discussed this in quite a few earlier posts here, as well as in my book *After Progress*; I mention it here to point out one of the ways that the political views I’m explaining just now interface with the other ideas I’ve discussed here and elsewhere.

The way that a moderate Burkean conservatism works in practice will be easiest to explain by way of a specific example. With this in mind, I’m going to go out of my way to offend everyone, by presenting a thoroughly conservative argument—in the original, Burkean sense of that word “conservative,” of course—in favor of the right to same-sex marriage.

We’ll have to pause first for a moment, though, to talk about
that word “right.” This is necessary because by and large, when Americans hear the word “right,” their brains melt into a puddle of goo. The assumption these days seems to be that there’s some indefinite number of abstract rights hovering out there in notional space, and all of them are absolute and incontrovertible, so that all you have to say is “I have a right to [whatever]!” and everybody is supposed to give you whatever it is right away. Of course everybody doesn’t, and the next step is the kind of shrill shouting match that makes up so much of American political nonconversation these days, in which partisans of the right to X and partisans of the right to Y yell denunciations at each other for trying to deprive each other of their rights.

If you happen to be a religious person, and believe in a religion that teaches that God or the gods handed down a set of rules by which humans are supposed to live, then it probably does make sense to talk like this, because you believe that rights exist in the mind of the deity or deities in question. If you’re not a religious person, and claim to have a right that other people don’t recognize, you’ll have a very interesting time answering questions like these: in what way does this supposed right exist? How do you “have it”—and how do the rest of us tell the difference between this right you claim to have and, say, an overdeveloped sense of entitlement on your part?

All these confusions come from the attempt to claim that rights have some kind of abstract existence of their own. To the Burkean conservative, this is utter nonsense. A right, from the Burkean point of view, is an agreement among the members of a community to allow some sort of behavior. That’s what it is, and that’s all it is. The right to vote, say,
exists because the people of a given nation, acting through political institutions, confers it on a certain class of persons—say, all adult citizens.

What if you don’t have a right, and believe that you should have it? That’s called “having an opinion.” There’s nothing wrong with having an opinion, but it doesn’t confer a right. If you want to have the right you think you should have, your job is to get your community to confer it on you. In a perfect world, there would no doubt be some instant, foolproof way to establish a right, but we don’t live in a perfect world. We live in a world where the slow, awkward tools of representative democracy and judicial review, backed up by public debate, are the least easily abused options we’ve yet found to accomplish this task. (That doesn’t mean, please note, that they can’t be abused; it means that they’re not quite as prone to abuse as, say, the institutions of theocracy or military dictatorship.)

With that in mind, we can proceed to the right to same-sex marriage. The first question to ask is whether government has any business getting involved in the issue at all. That’s not a minor question. The notion that legislation is the solution to every problem has produced a vast number of avoidable disasters. In this case, though, what prevented same-sex couples from marrying was governmental regulations. Changing those regulations requires governmental action.

The second question to ask is whether government has any compelling interest in the existing state of affairs. History shows that letting government interfere in people’s private lives is a very risky thing to do, and while it can be
necessary, there has to be a compelling interest to justify it—for example, in the case of laws prohibiting child abuse, the compelling interest of protecting children against violence. No such compelling interest justifies government interference in the marital decisions of legally competent, consenting adults; as noted further on, “Ewww, *gross!*” does not count as a compelling interest.

The third question to ask is whether the people who will be affected by the change actually want the change. That’s not a minor question, either; history is full of grand projects, supposedly meant to help some group of people, that were rejected by the people who were to be “helped,” and those inevitably turn out badly. In this case, though, there were plenty of same-sex couples who wanted to get married and couldn’t. Notice also that the proposed change was permissive rather than mandatory—that is, same-sex couples could get married, but they could also stay unmarried. As a general rule of thumb, permissive regulations don’t require the same level of suspicion as mandatory regulations.

The fourth question to ask is whether anyone would be harmed by the change. Here it’s important to keep in mind that “harmed” does not mean “offended;” nor, for that matter, are you harmed by being kept from forcing others to do what you want them to do. One of the eternal annoyances of liberty is that others inevitably use it in ways that you and I find offensive. We put up with the inconvenience because that’s the price of having liberty ourselves. Claims that this or that person is going to be harmed by a change thus need to evince specific, concrete, measurable harm. In this case, that standard was not met, as there are no Purple Hearts
issued for being butthurt.

The fifth question is whether the proposed change is a wholly new right, a significant expansion of an existing right, or the extension of an existing right in its current form to a group of people who did not previously have it. Creating a wholly new right can be a risky endeavor, as it’s hard to figure out in advance how that will interact with existing rights and institutions. A significant expansion of an existing right is less hazardous, but it still needs to be approached with care. Extending an existing right in its current form to people who don’t previously have it, by contrast, tends to be the safest of changes, since it’s easy to figure out what the results will be—all you have to do is see what effect it has had in its more restricted application. In this case, an existing right was to be extended to same-sex couples, who would have the same rights and responsibilities as couples who married under existing law.

The sixth question, given that the right in question is being extended in its current form to a group of people who didn’t previously have it, is whether that right has been extended before. In this case, the answer is yes. Marriage between people of different races used to be illegal in many American states. When extending the right of marriage to mixed-race couples was being debated, the same arguments deployed against same-sex marriage got used, but all of them amounted in practice to someone being offended. Mixed-race marriages were legalized, a lot of mixed-race couples got married, none of the horrible consequences imagined by the opposition ever got around to happening, and that was that.
So, to sum up, we have a group of people who want a permissive regulation granting them a right already held by other people. No actual harm has been demonstrated by those opposed to granting that right, and no compelling interest prevents government from granting that right. The same right has been extended before with no negative consequences, and a very simple change in the wording of existing marriage laws will confer the right. Under these circumstances, there is vastly more justification for granting the right than for refusing it, and it should therefore be granted.

No doubt some people will take offense at so mealy-mouthed an adding up of pros and cons. Where are the ringing affirmations of justice, equality, and other grand abstract principles? That, of course, is exactly the point. In the real world, grand abstract principles count for little. In a society that values liberty—not, please note, as a grand abstract principle, but as a mutual agreement that people can do as they wish so long as that doesn’t infringe on the established rights of others—what matters when someone petitions for redress of a grievance is simply whether that petition can be granted without any such infringement. The questions asked above, and the institutions of representative democracy and judicial review, are there to see to it that this happens. Do they always succeed? Of course not; they just do a marginally better job than any other system. In the real world, that’s justification enough.

What about the religious communities that are opposed to that right? (This is where I’m going to shift gears from offending my readers on the rightward end of things to offending those on the other end of the political spectrum.)
Conservative Christian groups are a religious minority in America today, and it’s a well-established rule in American law and custom that reasonable accommodation should be made to religious minorities when this can be done without violating the agreed-upon rights of others. That doesn’t give conservative Christians the right to force other people to follow conservative Christian teachings, any more than it would give Jews the right to forbid the sale of pork in America’s grocery stores. It does mean that conservative Christians should not be forced to participate in activities they consider sinful, any more than Jewish delicatessens should be forced to sell pork.

By and large, businesses that serve the general public are rightly required to serve the general public, rather than picking and choosing who they will or won’t serve, but there are valid exceptions, and religion is one of them. I’m told that in New York State, orthodox Jewish businesses are legally allowed to post signage stating that Jewish religious law applies on the premises, and this exempts them from certain laws governing other businesses; thus, for example, a woman who enters such a business with uncovered hair will not be served. It would be a reasonable accommodation for conservative Christian businesses that cater to weddings to be able to post signage noting that they only provide services to the kinds of weddings authorized by their own religious laws. That would let same-sex couples take their business elsewhere; it would also let people who support the right of same-sex marriage know which businesses to boycott, just as it would let conservative Christians support their co-religionists.

Again, any number of shiny abstractions could be
brandished about to insist that conservative Christian businesses should not have that right, but here again, we’re not dealing with abstractions. We’re dealing with the need to find reasonable accommodation for differing beliefs in a society that, at least in theory, values liberty. Claims that this or that person will be harmed by letting a religious minority practice its faith on privately owned business premises, again, have to evince specific, concrete, measurable harm. Being offended doesn’t count here, either, nor does whatever suffering comes your way from being denied the power to make other people do what you think they ought to do.

My readers may have noticed that, given the arrangements just outlined, nobody in the debate over same-sex marriages would get everything they want. That’s at least as offensive as anything else I’ve suggested in this post, but it’s the foundation of Burkean conservatism, and of democratic politics in general. In the messy, gritty world of actual politics, nobody can ever count on getting everything they want—even if they shout at the top of their lungs that they have a right to it—and the best that can be expected is that each side in any controversy will get the things they most need. That’s the kind of resolution that allows a society to function, instead of freezing up into permanent polarization the way America has done in recent years—and it’s the kind of resolution that might just possibly get some semblance of representative democracy intact through the era of crisis looming ahead of us just now.