
Pragmatic Conservatism: A Defense

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Two types of individualism: one atomistic and one integral to Burkean conservatism.

In the “Conclusion” to the fiftieth anniversary issue of *Modern Age*, “The Decline of American Intellectual Conservatism,” Claes Ryn offers a view of conservatism that, in a sense, is inclusive of liberalism and individualism and also a criticism of conservatism’s distortion and hijacking by powerful figures in think tanks, foundations, and the media. The conservatism Ryn defends recognizes the possibility of a synthesis of universality and historical particularity, which allows conservatism to distinguish between two types of individualism and liberalism: one atomistic and one “integral to Burkean conservatism.”¹ Ryn criticizes neoconservatives for having consciously or unconsciously turned conservatism into a sort of neo-Jacobinism, viewing America as an exceptional model of transcendent, ahistorical, and universal truths—democracy and liberty—which should be exported to far lands in an effort to reconstruct foreign states and peoples.² In a discomfiting irony, these putative conservatives resemble the original Jacobins in their attempt to remake the world on the model of equality, liberty, and fraternity. The French revolutionary idea that society and the state should be wholly remade in the image of these principles was the chief target of Edmund Burke in *Reflections on the Revolution in France*. The neoconservative

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¹ Claes G. Ryn, “The Decline of American Intellectual Conservatism,” 50th Anniversary Edition of *Modern Age*, Vol. 49, 538.

² *Ibid.*, 547.

commandeering of American intellectual conservatism has also, Ryn argues, reflected a “misguided” “pseudo”-pragmatism, which has let a turn to practical matters—to public policy, business, and economics—trump the need for a philosophically rich and serious defense of conservatism, not least in its moral, aesthetic, and political iterations.³

Sixty years ago, another prominent American intellectual conservative, Russell Kirk, wrote, “[Edmund] Burke was a liberal *because* he was a conservative.”⁴ Perhaps today American readers of Ryn’s account of conservatism’s relation to liberalism and of Kirk’s description of Burke’s liberalism find these comments confusing or internally inconsistent. The patient reader of Ryn, however, will find that these attempts to change the terms of current political discourse point to the possibility of a more truly pragmatic conservative political methodology and of giving it a voice in our current political climate, a voice not dominated by neoconservatives.

Crucial to such an attempt is to demonstrate how conservatism and pragmatism intersect methodologically, which is my present task. Such an undertaking must confront the popular associations and colloquial uses of the term “conservatism”—those which might cause confusion in contemporary readers of Ryn’s or Kirk’s assertions about conservatism and liberalism—and must also assess whether the customary academic resources on conservatism are all what they should be. Research into the latter question may help undermine the force of the popular and colloquial understandings of conservatism; the two mentioned tasks converge when significant strands of scholarship on conservatism reinforce uncritical associations and usages. By correcting academic misinterpretations of conservatism, one can undermine colloquial usage and make way for new thinking on conservatism as a political methodology.

In popular and journalistic political discourse and even among intellectuals, conservatism and pragmatism are seen as tending to repel one another as if both were positively charged magnets. Pragmatism means about the same as relativism and utilitarianism, while conservatism means adherence to

³ *Ibid.*, 540-541.

⁴ Russell Kirk, *The Conservative Mind*, 6th ed. (South Bend: Gateway Editions, 1978), 12 (emphasis added).

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underlying principles inherited from the past or divined from religious authority or revelation. Caricatures of two important figures often register as uncontroversial: Edmund Burke was a reactionary defender of the British aristocracy and state religion, and John Dewey was a mere apologist for New Deal Liberalism.

One of the most influential scholarly books on conservatism reinforces the second of these oversimplified characterizations. In *The Conservative Mind*, Russell Kirk argues that conservatism runs in strict contradistinction to pragmatism. My intention here is to determine how, in Kirk's opinion, classical British conservatism and classical American pragmatism contradict each other and to assess the validity of Kirk's view. I will begin by summarizing Kirk's rather cursory account of John Dewey's pragmatism. Next, I will show that Kirk offers an erroneous caricature of pragmatism. Then I will indicate how the difference between Kirk's interpretation of Burke and mine explains Kirk's at once sweeping and misleading claims regarding pragmatism. I will finally show that Burke's philosophy contains seminal elements of pragmatism and illustrate enticing points of intersection between classical British conservatism and classical American pragmatism. I will present a defense of what I call pragmatic conservatism.

Kirk misconstrues and places undue weight on a belief in transcendent moral order in Burke's philosophy, and he flattens Dewey's pragmatism into utilitarianism.⁵ Although Kirk's book on conservatism is in most ways an exemplary piece of scholarship, his way of treating the element of transcendence in Burke's philosophy even runs the risk of turning Burke into something similar to his opponents, those Enlightenment political thinkers and enthusiasts for revolution who espouse *a priori* natural rights.⁶

⁵ Claes Ryn defends a notion of the universal as a synthesis of the transcendent and immanent, but he distances it from a notion of the transcendent as a hypostasis of the universal. As will become more evident below, Kirk's reading of Burke aligns more with the reification of the universal and less with the notion of an evolving and concrete sense of the universal that Ryn defends. Claes G. Ryn, *A Common Human Ground: Universality and Particularity in a Multicultural World* (Columbia and London: University of Missouri Press, 2003), esp. 91.

⁶ This mistake mirrors the neoconservative turn in contemporary conservatism, whose American exceptionalism presents the *a priori* principles

Only those whose conception of universality is both static and transcendent and whose conception of the human person is atomistic and abstract could argue as Burke's opponents, Jean-Jacques Rousseau and Thomas Paine among them, do. They demand radical change. Those, on the other hand, who embrace the flux as an integral feature of our existence the way John Dewey does can accept Burke's warnings against hasty innovation based on a putative rational certitude. Dewey is an opponent of such social engineering. In fact, interpreting Dewey's pragmatism with reference to the set of his lectures that would be most charitable to Kirk's view of Dewey will allow me to show how misguided Kirk is on this matter. By understanding Dewey's pragmatism much too thinly, Kirk fails to see that Burke and Dewey have common philosophical opponents and that Burke's conservatism can even be read as a harbinger of classical American pragmatism.

Burke and Dewey have common philosophical opponents.

Kirk's book, which focuses solely on British and American conservative thought, begins with the premise that Burke's conservatism is the "true school of conservative principle" and that conservatism did not fully manifest itself until 1790 with the publication of the *Reflections on the Revolution in France*.⁷ I do not disagree with the majority of Kirk's treatment of Burke's disposition, his method, or the central tenets of his political and moral thought. However, Kirk's assertion that Burke refutes once and for all an American pragmatism yet to come and his reading of that pragmatism strike me as mistaken. It is in these missteps that I find the crux of my disagreement with Kirk's interpretation of Burke's philosophy. Having analyzed Kirk in an area where he is less than discerning—in his discussion of pragmatism—I may return to his more admirable discussion of Burke as I offer a more general commentary.

Kirk's first allusion to pragmatism comes early in *The Conservative Mind*, when he writes that Burke's "system is an anticipatory refutation of . . . pragmatism." Kirk, however, withholds his explanation of what that pragmatism is until hundreds of pages later.⁸ Next Kirk writes that "Burke has

of liberty and democracy as levers of foreign policy. See Ryn, "The Decline" and *Common Human Ground*, Ch. Six.

⁷ Kirk, *The Conservative Mind*, 5.

⁸ *Ibid.*, 58.

been mistaken for a precursor of empiricists and pragmatists, chiefly because he expressed his determination to deal with circumstances, not with abstractions." Leaving Burke's relationship to the empiricists aside, I think this sentence should have read, "Burke is a precursor of pragmatism because he chose to deal with circumstances rather than abstractions." Pragmatism is a mode and method which turns away from abstractions and toward the complex situations and circumstances of our inquiries. Pragmatism warns against treating the abstract outcomes of inquiries as if they anteceded the inquiry. It is a "fallacy of unlimited universalization" to ignore the context and hastily import conclusions of inquiries into situations foreign to those which produced the need for the inquiry.⁹ For instance, if France's political arrangement, more autocratic, feudal, and less republican than England's in the eighteenth century, gave rise to inquiry that produced the pernicious abstractions of "liberty, equality, and fraternity," it was all the more misguided, according to Burke, as it would have been for Dewey, to import those abstractions into England and use them to advocate revolution there in complete neglect of the circumstances of England.

Kirk states: "Twentieth-century political and juridical 'realism' and pragmatism . . . are derived from Bentham."¹⁰ Though wrong, especially with regard to pragmatism, this statement gives us insight into what pragmatism means for Kirk. Legal realism in the United States consciously derived from the legal theory of Oliver Wendell Holmes's later writings, principally his 1897 lecture "The Path of the Law."¹¹ By the time Holmes gave that address, he had completed his break with the most prominent legal theorist of the nineteenth century, John Austin. Austin, a student of Bentham, defined law as a command from a political superior to a political inferior imposing a duty backed by a sanction.¹² Austin, following Bentham, wanted to shift the primacy of law from the common law courts to parlia-

⁹ Gregory Pappas, *Dewey's Ethics: Democracy as Experience* (Bloomington: Indiana University Press, 2008), 27.

¹⁰ Kirk, *Conservative Mind*, 102.

¹¹ L. L. Fuller, "American Legal Realism," *University of Pennsylvania Law Review*, Vol. 82, No. 5 (March, 1934), 429.

¹² John Austin, *The Province of Jurisprudence Determined* (New Delhi: Universal Law Publishing, 2008), 1.

ment because doing so would shift the temporal valence of the law from the past, in its reliance on precedent and inherited customary practice, to the future, to the purpose of statutory law, namely, achieving a future social advantage—the greatest happiness of the greatest number. The American legal realists relied instead on two Holmesian principles. First, law is just a prediction of what the courts will do, and the courts use many motivations to make their determination, only one of which is statutory law. Second, easy cases aside, judges do not merely find law in statutes or constitutional texts and apply them syllogistically to present cases. The legal realists were, in the spirit of the pragmatist Holmes, anti-formalists, hoping to enlarge the discretion of judges.¹³ The realists reduced law to politics to a degree because *prudent* legal determinations must consider public policy and the consequences of enforcing judicial decisions.

If it is far too common to confuse pragmatism and utilitarianism, the legal philosophy of Holmes is a good place to draw meaningful distinctions.¹⁴ Holmes, in dialogue with the pragmatist Charles Sanders Peirce as he was writing his preparatory lectures for his *The Common Law*, began to distance himself from the utilitarianism of Bentham and the positivism of Austin. Holmes refused to reduce law to any one universal principle or purpose, such as increasing aggregate happiness by statutory legislation. Holmes, *qua* conservative, was far too skeptical of our ability to innovate and remake society by legislation. Operating according to a pragmatic *and* conservative methodology, Holmes was skeptical of any axiomatic and analytic approach to the law, such as Austin's. Holmes, *qua* pragmatist, was an experimentalist, and his skepticism was thoroughgoing, such that he operated according to the norm of judicial self-restraint, arguing in a dissent for the right of states to legislate a limitation of workers' hours.¹⁵ Holmes was

Justice Holmes was skeptical of legislative innovation.

¹³ Fuller, "American Legal Realism," 437.

¹⁴ For more on this line of reasoning see Frederic R. Kellogg, "Holmes, Pragmatism, and the Deconstruction of Utilitarianism," *Transactions of the Charles S. Peirce Society*, Vol. 23, No. 1 (Winter, 1987), 99-120.

¹⁵ *Lochner v. New York*, 198 U.S. 45, 74-77 (1904) (Justice Holmes dissenting). After years of scholarship on Holmes characterizing him as a progressive, because of opinions such as in *Lochner*, Holmes's letters were published. These revealed his personal political affiliations, which were largely aristocratic and

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Burkean
skeptical.

a Burkean skeptic, a fallibilist, and a pragmatic experimentalist, one for whom John Dewey expressed admiration in several essays and books.¹⁶ His pragmatism was not derived from Bentham. But, before returning to Kirk's distaste for a swath of mid-century American legal, political, and philosophical attitudes, I must return to Kirk's interpretation of pragmatism.

The most important of Kirk's references to pragmatism are found in a chapter subdivision entitled, "Pragmatism: the Fumbling of America." In it he refers to John Dewey as the "philosophical apologist" of the "belligerent expansive and naturalistic tendencies of the era." According to Kirk, Dewey denied "the whole realm of spiritual values."¹⁷ Kirk's Dewey reduced existence to physical sensation and life's goals to physical satisfaction. Dewey made "material production the goal and standard of human endeavor," treated the past as "trash," and reduced moral concern to problems of the moment, as if they were divorced from their historical and cultural contexts. Kirk goes on to say that Dewey advocated a "sentimental equalitarian collectivism with social dead-level its ideal" in anticipation of a proletarian triumph backed by a Marxism devoted only to "material production for the satisfaction of the masses." Dewey, according to Kirk, submitted to the lordship of sensation, putting only a "philosophic mask" on America's "imperialistic craving."¹⁸

It is difficult to know where to begin a critique of these wholly misleading generalizations of Dewey's philosophical works. I will start with what Kirk got right: Dewey *was* a naturalist. However, Dewey did *not* reduce experience to sen-

skeptical of the progressive movement in general. This tension shows how much of an experimentalist he was, willing to allow state legislation to work itself out, although he did not personally agree with it.

¹⁶ See John Dewey, "Justice Holmes and the Liberal Mind." *Later Works*, Vol. 3, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1967-1990), 177-83, where he argues that, in Holmes's dissent in *Abrams*, Holmes, *qua* pragmatist, displayed a frame of the universe in which "all action is so experimental that it needs be directed by a thought which is free, growing, [and] ever learning" (Dewey LW 3: 179). And, *qua* Burkean conservative, Holmes thought that only "intellectual conceit causes one to believe that his wisdom is the touchstone of that of social action" (Dewey LW 3: 179). Dewey also refers to Holmes with admiration in *Experience and Nature*. (Dewey, LW 1).

¹⁷ Kirk, *Conservative Mind*, 365.

¹⁸ *Ibid.*, 366.

sation. That was the mistake of the British empiricists and the logical empiricists, who made the error of separating the individual from the transactive and interactive relationship with the environment, an environment that is always both natural and cultural.¹⁹ Empirical conceptions of experience are often regarded as “derivative of ‘the senses,’” but Dewey argued explicitly that “sensation” was not primary in experience; actual sensation takes place and is formed only within the larger whole of experience.²⁰ Dewey was consistently non-reductive in his approach to inquiry, including inquiry into human goals, which—instead of concerning mere “physical satisfaction”—are always relative to the historical, cultural, complex situations which produce the need for inquiry.²¹ Further, Dewey argued *against* “mechanic naturalism,” partly because it denies the reality of the aesthetic and moral qualities of experience.²² What he advocates are non-reductive, non-mechanistic inquiries, which hypothesize goals in light of the delicate and specific nature of the situation which produced the need for them. I will show that Dewey was an historical thinker who did not reduce the past to “trash,” but the opposite. In addition, Dewey was an anti-imperialist.²³

For Dewey, sensation occurs within the larger whole of experience.

Kirk sees in Dewey only a New Deal apologist, and I will illustrate Kirk’s misreading of Dewey in light of that characterization. In a series of lectures given at the University of Virginia, published in 1935 as *Liberalism and Social Action*, Dewey did

¹⁹ See John Dewey, “The Concept of the Reflex Arc in Psychology,” *Early Works*, Volume 5, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1967-1990).

²⁰ Ryn and Dewey are here in agreement. See Ryn’s *A Common Human Ground*, 85, and Dewey’s “Reflex Arc,” 5. The meaning of “experience” is for both Ryn and Dewey non-reductive and includes “the facts of morality, religion, politics, economics, art, and knowledge, as apprehended by living, breathing human beings.” Ryn, *Common Human Ground*, 85.

²¹ Ryn argues that Dewey’s naturalism is “more subtle and complicated than assumed by many of his critics.” Ryn explains that the non-reductionist elements in Dewey’s naturalism—his sense of our living with a sense of the whole, amid the universal—are neglected by those who focus on Dewey’s “naturalistic-behavioristic tendency,” a comment that might be read as a criticism of Kirk. Claes G. Ryn, *Will, Imagination and Reason: Babbbit, Croce and the Problem of Reality*, 2nd exp. ed. (New Brunswick and London: Transaction Publishers, 1997), 99.

²² Dewey, “Experience, Knowledge, Value: A Rejoinder,” *LW* 14: 63.

²³ Dewey was a member of the New England Anti-imperialist League.

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advocate some "social" control over the productive, economic forces. In these lectures, however, Dewey gives a history of liberalism and of its crisis in the age of industrialization, and he offers a defense of the tenets of liberalism—which Burke himself worked so hard to defend—though in light of twentieth century needs.²⁴ Dewey's principal opponents in the lectures are "those who want drastic social changes effected in a twinkling of an eye, who believe that violent overthrow of existing institutions is the right method of effecting the required changes."²⁵ These words can be read as analogous to Burke's words about enthusiasts for the French Revolution. Dewey defends liberalism against trends of thought that Burke himself opposed—advocacy of the use of force to enact a fixed objective. Contrary to what readers of Kirk might think, Dewey had in mind Marxists, who were willing to use violence as a means of political and economic innovation. Dewey thinks in a more Burkean vein: "There is a danger . . . of losing the sense of historic perspective and of yielding precipitously to short-term contemporary currents, abandoning in panic things of enduring and priceless value."²⁶ Claes Ryn emphasizes this dimension of Dewey when he writes, "[Dewey] wholly rejects a radicalism that strikes indiscriminately against inherited ways."²⁷ The past, for Dewey, is anything but "trash." It contains things of lasting value. In fact, Dewey stresses our responsibility for "conserving, transmitting, rectifying, and expanding the heritage of values we have received."²⁸

²⁴ Dewey's defense of a version of liberalism does not by itself distance him from Burke or from conservatism. Although, as I mentioned above, current discourse reduces liberalism and conservatism to affiliation with left and right wing coalitions, this need not be the case. Like Burke, Dewey defended the general principles of liberalism, liberty under law, individual rights, freedom of speech, free inquiry in the arts and sciences, and anti-authoritarianism.

²⁵ Dewey, *Liberalism and Social Action*, LW 11: 5.

²⁶ Dewey, LW 11: 6.

²⁷ Claes G. Ryn, *Common Human Ground*, 94.

²⁸ Dewey, *A Common Faith, Later Works* Volume 9, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1967-1990), 57. Although Ryn is critical of Dewey's treatment of universality as a mere "logical hypothetical," of his predisposition to "questionable political notions," and his "tendency to romanticize human nature" in a "sentimental humanitarianism," Ryn encourages his readers to read Dewey charitably enough to overcome the associations of straw versions of pragmatism. Ryn, *Common Human Ground*, 96. I interpret Ryn's reading as an invitation to highlight and reconstruct Dewey's

The purpose of Dewey's inquiry into the history of liberalism is to uncover its origin and meaning in its original context and to see if its ideals are applicable to his own historical situation, given the economic and social transformations that took place in the nineteenth century. Industrialization and the market revolution were the primary forces of social transformation undergone by liberalism. Bentham articulated a philosophy of social reform that was meant to preserve liberalism's ideals, but Dewey's history of liberalism laments the degree to which Bentham reduced the goal of reform-minded legislation to increasing the pleasure and decreasing the pain of individuals, a move with which Kirk charges *Dewey*. Flattening him into a utilitarian is simply inaccurate. Contrary to what Kirk thinks, Dewey emphasizes the "fundamental defects underlying [Bentham's] theory of human nature."²⁹

Dewey did not, as Kirk would have it, deny the whole realm of spiritual values. Retrieving these values was the task of nineteenth century liberals reacting to the power of industrialization and market forces unleashed on communities that embodied certain spiritual values. In assessing John Stuart Mill's liberalism, Dewey gives a critique that both undoes Kirk's characterization of him and puts him more in line with Burke's presuppositions than Kirk would have us believe. Dewey writes, as one might expect of a naturalist, that "there are native organic or biological structures that remain fairly constant," but also that "the actual laws of human nature are laws of individuals in association, not of beings in a mythical condition apart from association."³⁰ Dewey shows that, in its origins as a reaction to arbitrary government and in its nineteenth century defense of the freedom of the market, liberalism needed to emphasize individual rights. However, proponents of this liberalism, from Locke to Mill, defended an ontology of the human person that was atomistic and individualistic.³¹

conservative methodology as a supplement to the classical British conservative tradition.

²⁹ Dewey, *LW* 11: 14.

³⁰ Dewey, *LW* 11: 31.

³¹ It is important to note that in Ryn's appraisal of the decline of intellectual conservatism in America he claims that a more robust, philosophically sophisticated conservatism would be able to make the distinction that Dewey makes when he criticizes the ontology of atomistic individualism but

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Dewey shows that this ontology is wrong-headed and unnecessary to support the ideals inherited from eighteenth and nineteenth century liberalism that are worth preserving and applying to twentieth century problems. With Burke, Dewey rejects liberal atomism. He offers incisive philosophical arguments against it. He can help thematize a type of pragmatic conservatism that distinguishes between salutary versions of liberalism and atomistic individualism—which is one of Ryn’s hopes for contemporary American intellectual conservatism.

In *A Common Faith* (1934), one of Dewey’s goals was to develop a conception of the spiritual dimension of human experience that did not depend on identifying the religious with a distant and dogmatically conceived supernatural but would locate it within a reconstituted understanding of natural human experience. Dewey wanted to encourage and develop free inquiry into the religious aspect of experience and promote the spiritual values therein.³² He was not a “moral atheist.” He embraced “an expansive humanism” that would work towards the conditions in which a whole host of religious-minded traditions could cooperate in advancing common goals. This humanism would promote moral values shared by people who articulated them in different religious terms.³³ In “What I Believe,” Dewey articulates a notion of religion that is humanistic in the sense that it finds the highest meaning of human life within experience. He explains the spiritual value of faith as a specific tendency toward action, as an endeavor in the service of common goods.³⁴ What Dewey rejects in the sphere of religion is the view that a static and fixed set of val-

defends the kind of individualism and liberalism that is “integral to Burkean conservatism.” Ryn, “Decline,” 538.

³² See John Dewey, *A Common Faith*, *Later Works* 9, 1935.

³³ See Larry Hickman, “John Dewey’s Spiritual Values,” *Free Inquiry*, 30(3), April-May 2010, 33-37.

³⁴ Perhaps the best place to look for an exemplar of the unity of pragmatism and a defense of “the spiritual realm of values” is in Jane Addams’s *Twenty Years at Hull House* (1911). Addams was a major influence on Dewey, and here she articulates a pragmatic vision of the Gospel, one which embodies the spiritual value of faith in a plan of action to secure common goods for those in need. Similarly, Claes Ryn says about genuine religious striving, specifically that of those who aspire to “holiness,” that it “embodies its aspiration in pragmatic, down-to-earth, realistic conduct.” Ryn, *Common Human Ground*, 84.

ues or principles can provide rules for action in the complex situations triggering moral inquiry.³⁵ He is applying to religion the general rejection of *a priori* principles as the standard for interpersonal action that he shares with Burke.

Claes Ryn may think that Dewey's humanism contains too much "sentimental humanitarianism" and that Dewey does not do justice to the element of universality in the moral-spiritual life, but Ryn's thinking does nevertheless resemble Dewey's call for an expansive humanism. In the effort to identify a common ethical center among societies with different religions, Ryn has emphasized the need for an ecumenical approach. He would shift the emphasis from focusing on doctrinal-theological issues to addressing the "concrete, *experiential* content of the moral and religious life of different societies."³⁶ The more doctrinal approach to religion, which, as we will see below, may be generated by Kirk's reading of Burke, has a potential for inducing a "defensiveness" and parochialism that stifle progress towards moral union and misdirect our meliorative energies. Ryn calls for a humanism that he defines as "the deliberate effort to understand and foster that higher development . . . Its task is . . . to enrich the personal and common life."³⁷ Dewey's notion of an expansive humanism can be seen as an early statement of Ryn's idea of an experiential focus in spiritual and moral matters. It offers clear evidence that Dewey does not deny the realm of spiritual values, as Kirk would have it. He is instead considering how spiritual values can be conceived and enacted in the new experiential context of his own time.

In the third lecture of *Liberalism and Social Action* Dewey advocates the application of what he calls the method of intelligence and rejects the method of brute force as the way of addressing the social problems of his day. He writes: "It requires an unusually credulous faith in the Hegelian dialectic of opposites to think that all of a sudden the use of force by a class will be transmuted into a democratic classless society."³⁸ Dewey knows that force breeds counterforce, and he is as skeptical as Burke of the thought that violence can achieve human flour-

³⁵ John Dewey, "What I Believe," *Later Works* 5.

³⁶ Ryn, *Common Human Ground*, 39.

³⁷ *Ibid.*, 11-12.

³⁸ Dewey, *LW* 11: 60.

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ishing. Furthermore, Burke and Dewey agree that abstract theory is a poor guide for accomplishing political tasks. The method of intelligence that he advocates is defined as historically informed and attentive to the needs of particular times and places.

Burke regards prudence as a political virtue. Gordon Lewis has pointed out that Kirk's articulation of the art of governance has more in common with pragmatism than he would like to admit. Lewis writes, "If [by conservatism] Mr. Kirk means [a set of maxims for the exercise of statecraft] . . . it really becomes, when all the argument is over, little more than a variant of the pragmatism he so much dislikes."³⁹ But most important to my analysis is not that Lewis agrees that there is an affinity between conservatism and pragmatism. Rather, the very difficulty Kirk has in articulating a specific and fixed set of conservative maxims is the very same difficulty that a pragmatist will have in formulating a specific and fixed set of maxims. Both methods reject the use of static, *a priori* rules to be applied regardless of the context. This is more than a skeptical warning against a false universalism and its accompanying authoritarianism in moral and political inquiries. As Lewis reminds us, "A refusal to state [the principles of conservatism] is in itself a vital conservative principle."⁴⁰ As in pragmatism, "far too much of genuine conservatism . . . is a matter of feeling and instinct and emotion to be satisfactorily reducible to the forms of logical assertion and proof."⁴¹ Both pragmatists and conservatives, I argue, begin, not with argumentation from first principles, but with *experience*, pregnant with qualitative, affective, and associative dimensions. These are the starting and ending points of inquiry.⁴²

Having refuted Kirk's view of Dewey and pragmatism, I now proceed to determine where his reading of Burke differs from mine. Kirk gives an apt summary of the important tenets of conservatism: "reverence for the divine origin of social

³⁹ Gordon Lewis, "The Metaphysics of Conservatism," *The Western Political Quarterly*, Vol. 6, No. 4 (Dec., 1953), 729.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² For a rich account of Dewey's understanding of the qualitative and affective dimension of moral experience, see Pappas, *Dewey's Ethics*, 84-87.

disposition; reliance on tradition and prejudice for public and private guidance; conviction that men are equal in the sight of God, but equal only so; devotion to personal freedom and private property; opposition to doctrinaire alteration.”⁴³ I find little to disagree with in this highly concentrated abstract of Burke’s conservative thought in the *Reflections*; my disagreement is one of emphasis. It is also important which of these line items are regarded as primary. Even a minuscule difference when taking the first step in an analysis may lead to a wide divergence as the analysis proceeds. Kirk’s first step concerns the “divine origin of social disposition,” which is for him primary, the *sine qua non* of Burke’s conservatism. Kirk highlights this divine origin by quoting Burke on the purpose of the partnership which composes civilized government and society:

It is a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher nature, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place.⁴⁴

It is no accident that Burke felt a need to explain the nature of the contract that legitimized government and society and gave government its purpose. His opponents, the enthusiasts for the spirit of Rousseau both on the continent and in England, had largely built their arguments upon a social contract theory. According to the seventeenth and eighteenth century social contract theorists, governments were instituted among men in order to protect rights that each man had before the institution of a civil government. Only by a social contract could naturally free, equal, and independent individuals cede to a third party, a civil government, the right to adjudicate disputes and punish breaches of rights. Only to the extent to which the government protected these rights did it serve its purpose and deserve the consent of the governed, the origin of all legitimate government.

Those who justified remaking government through revolution upon the reasoning of “metaphysicians” relied heavily

⁴³ Kirk, *Conservative Mind*, 15.

⁴⁴ *Ibid.*, 15-16.

upon social contractarian arguments, and Burke wanted to show how his notion of the partnership differed from that of the revolutionaries. His distinction is clear. While Hobbes, Locke, Rousseau, and Paine base their inquiry into the nature of legitimate government on “the myth of the beginning,” the purported state of nature in which individuals were naturally free, independent, and equal, Burke distends the contract in time. The partnership is not concluded explicitly or tacitly in each generation; it is inherited in situated, contextualized, historical form. The art and purpose of governance is to preserve an inheritance and maintain it for future generations. However, Burke does not advocate rigidly continuing the status quo. He argues, “A state without the means of some change is without the means of its conservation.”⁴⁵ Both Dewey and Burke celebrate education as an important mode of civilization, one which preserves, maintains, and transmits the means of valuable association from generation to generation. Dewey does so in *Democracy and Education*.⁴⁶

In expounding on his reflections as to the proper relationship between continuity and creativity and between conservation and change, Burke uses a biological analogy to show that change and novelty occur by steps in the genetic process of nature. Burke’s analogy is pre-Darwinian, but he treated nature as dynamic and evolutionary, not as an ideal, ahistorical state, whose features government needs to protect. Burke writes that “by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new; in what we retain we are never wholly obsolete.”⁴⁷ As he makes his case for not being entirely bound by tradition Burke blends his concept of nature with other features of his philosophy. He delights that English political institutions are founded on Nature, but also on *education*, and the *habits* of life.⁴⁸ Experience,

⁴⁵ Edmund Burke, *Reflections on the Revolution in France* (London: Penguin Books, 1986), 29.

⁴⁶ John Dewey, *Democracy and Education, Middle Works 9: 4*. Ryn, similarly, uses education as an illustrative analogue to demonstrate the normative dimensions of tradition. The latter is not fixed and static as a reification of the universal. The “moral, cultural, and philosophical heritage” is creatively transmitted through education. Ryn, *Common Human Ground*, 100.

⁴⁷ *Reflections*, 120.

⁴⁸ *Ibid.*, 128.

a pragmatic touchstone, is of primary importance for Burke's prescriptive political methodology. Burke characterizes Nature as "wisdom without reflection and above it."⁴⁹ There is wisdom in its habituation and inheritance. Burke's analogy to the conservatism of nature is intended to bring out that organisms do not evolve on the model of radical change. That we are "never wholly new," in Burke's words, speaks to this element of continuity. But that "we are never wholly obsolete" in what we seek to improve separates conservatism both from the stasis of uncritical enjoyment of present conditions and from the reactionary stance of those who want to recover some mythical golden age. Dewey's underlying thesis that nature and culture are continuous serves in part to imbue Burke's conservatism with the best insights of nineteenth and twentieth century naturalism, which are very different from scientific dogmatism. Contrary to what Kirk would have us believe, Dewey's warnings about radical innovation in politics have a great deal in common with Burke's warnings of French revolutionary innovation. Burke emphasizes the wisdom of habit and its social correlate, custom. Dewey looks for a balance between "unbridled radicalism and inert conservatism," which requires the cooperation and blending of habit and established institutions and plans of reform.⁵⁰

Dewey similar to Burke in warning against radical innovation in politics.

It could be said that Burke emphasized habits and institutions and Dewey emphasized plans for reform. But Burke's rhetorical flourishes sentimentally elevating the need to preserve inherited associations and social customs must be taken in context. Burke was reacting against a host of theorists who wanted to eliminate all considerations—especially religious, sentimental, and prejudicial—save the rational and abstractly "ideal" as a guide to governance. Dewey explains the psychology and social epistemology that should inform inquiry into the need for reform. He rejects and reconstructs the psychology of Burke's opponents. Both Dewey and Burke reject the hyper-rationalism or dreamy theorizing of Enlightenment social contract theorists and their metaphysical starting point—the atomic individual armed with reason or, in the case of Rousseau, an essential goodness in a state of nature.

⁴⁹ *Ibid.*, 119.

⁵⁰ Dewey, "Evolution and Ethics," *Early Works* 5: 48.

Burke differs with Locke on origin and function of private property.

Two elements in Kirk's approach to Burke's conservatism help explain why he misses the connection between conservatism and pragmatism that I am demonstrating and defending. The first is his failure to distance Burke sufficiently from Locke's political philosophy. The second is his way of understanding how Burke grounds a social disposition in a divine moral order. As we shall see, these interpretations of Burke are related. Kirk admits that Burke "disavowed a great part of the principles of Locke." He recognizes that Burke's conception of property is not the same as Locke's, but he writes that Burke retained Locke's contention that government originates out of the necessity for protecting private property.⁵¹ What is important to note is that Burke would not concede Locke's definition or theory of the origin of property. The two men proceed from very different conceptual starting points. While Locke argues that property is a natural right, extending from one's person to one's laborious combination with nature, Burke views property as an inherited convention, whose origin and function is social, not individual. While both would defend private property, Burke does not believe that private ownership is based on labor having been mixed with nature.

The second aspect of Kirk's view of Burke of interest in the current context is Kirk's treatment of what he calls the "divine origin of social disposition," which for Kirk is the *sine qua non* of Burke's conservatism. Kirk tries to balance a metaphysical and an epistemological approach with regard to this divine origin, this supreme design, and our access to it. In doing so, he turns Burke into a natural law theorist with a fallibilist twist. In the attempt to balance Burke's belief in the divine origin of social disposition and the transcendent nature of the moral order with our imperfect access to it, Kirk vacillates between treating Burke as a natural law theorist in line with his medieval precursors and treating Burke as a pragmatist. For instance, Kirk writes that for Burke "history . . . is the gradual revelation of a supreme design." Kirk also tells us that such a design is "shadowy to our blinking eyes" and not within our powers of comprehension. Additionally, Kirk writes that Burke held a conception of a natural right in line with "Cice-

⁵¹ Kirk, *Conservative Mind*, 24.

ronian *jus naturale*, reinforced by Christian dogma and English common-law doctrine," but that Burke also knew that we could not discern its full scope. Only God can do that. For Burke, we access natural justice (founded on divine providence) through the *experience* of mankind. It is taught through history, "myth and fable, custom and prejudice."⁵² A *metaphysical* reading of the status of the divine plan in Burke's philosophy would be that such a plan is the condition for the possibility of morality and justice; an *epistemological* reading is that we can discern the enduring features of morality and justice through fallible inquiry into human history, myth, fable, and custom. Burke's opponents thought reason was our access to universal right, and they considered natural law and natural rights to be suitable weapons for political advocacy. Burke did not.

For Burke, we can discern the enduring features of morality and justice through fallible inquiry into human experience.

When we compare Burke to the pragmatists and assess the difference between his method of inquiry and theirs the difference is hard to see. If Burke was a fallibilist with respect to our epistemic access to divine law and clear on the point that divine law was not suitable as a weapon in political battles, and if the question at hand is the difference between Burke's conservative and Dewey's pragmatic methods of inquiry, especially with regard to politics, then the metaphysical reading of supreme design seems beside the point. Burke's belief in a supreme design makes him different from the pragmatists, but, with regard to political methodology that belief makes little difference.

Burke's conservatism generally rejects the notion that government is a proper tool for social innovation and that society can be remade according to an abstract blueprint. This skepticism is obviously not the same as a rejection of change in public policy. It is even compatible with a change in the very form of government. Burke failed to sway the British government with regard to the American colonies. He interpreted royal and parliamentary policy toward the American colonies after 1763 as embodying the innovative spirit he opposed. It was not on the basis of Jeffersonian and Lockean abstractions, but on the basis of British violations of long-established rights that Burke supported the American colonists. They were attempting to *preserve* those rights and their historically inherited right to self-government.

⁵² *Ibid.*, 36, 44.

Burke's conservative methodology can lean to the "right" or to the "left" depending on the historical situation. Only representatives of a very ideological iteration of conservatism would cling to principles such as free markets in every context and without concern for non-economic values. Analogously, only the "pseudo"-pragmatists whom Ryn criticizes would always let "practical" considerations trump moral, philosophical, and artistic considerations. Ryn regards this misguided pragmatism as a weakness of American intellectual conservatism. It is unfortunate that Kirk, but not he alone, should have flattened *philosophical* pragmatism into being that kind of vulgar, "misguided" pragmatism.⁵³

It is true that Dewey had a bias against some things that have been admired by men of the right, such as important aspects of classical Greek philosophy, and that he seemed attracted to a kind of social democracy. Ryn and Kirk may be right that he had an overly optimistic view of human nature. Yet Dewey's attempted reconstruction of liberalism in *Liberalism and Social Action*, especially in the third lecture, "Renascent Liberalism," should not be judged according to a knee-jerk distaste for left-leaning politics. Dewey transcends narrow political categories. Similarly, conservatism should not be rigidly coupled with right-wing policies. Dewey's approach to the problems of twentieth century life at the height of the Great Depression showed his belief that the ideals of liberalism worth preserving could only be preserved if the social institutions and public policies which had shaped them were also transformed. Those liberal ideals could be decoupled from the ontology and methodology of those who gave them their seventeenth and eighteenth century articulation. Circumstances had changed drastically through the nineteenth century industrial and market revolutions. An emphasis on individual property rights born out of a reaction to mercantilism and centuries of land enclosures was misplaced in an economy in which large corporations played a major role. Advocating some social control of the forces of production was

⁵³ In a different context, Richard Posner has argued not for "philosophical pragmatism," but for "everyday pragmatism" as a norm guiding judicial decision making. See Richard Posner, *Law, Pragmatism, and Democracy* (Cambridge: Harvard University Press, 2003).

Dewey's way of reforming institutions in order to preserve the ideals of liberalism in new circumstances. In this effort he was influenced neither by abstractions imported from eighteenth century inquiries nor by more recent theories of centralized social engineering.

Kirk is drawn to a metaphysical reading of Burke's belief in a divine plan.⁵⁴ Such an interpretation of the moral order threatens to turn Burke into something more like his opponents, who had blind faith in *a priori* principles that were also used as political weapons. This reading of Burke serves to reinforce an association of conservatism with a dogmatic defense of the status quo, backed only by religious belief, and encourages a colloquial use of the term "conservatism" that does not do justice to conservatism as a political methodology skeptical of abstractions and inattentiveness to circumstance. A prudent political methodology is pragmatically conservative. It is Burkean. But it takes its lead from the epistemological, rather than metaphysical, reading of the nature of the divine origin of social disposition. Burke's conservatism is religious but is based on a skepticism of absolutes, not an assertion of their transcendent necessity. Kirk seems torn on this issue. Interestingly, one of his heroes, Paul Elmer More, who is given much space in *The Conservative Mind*, agreed with Burke on this score and wrote an essay called "The Demon of the Absolute."

Burke's conservatism is religious, but based on a skepticism of absolutes.

Perhaps the neoconservatives Ryn criticizes have won the day for now, at least in public debate. They are both highly ideological and pseudo-pragmatic in their preoccupation with "practical" issues of public policy. Because of their temporary success in shaping the discourse on conservatism, Ryn's call for an intellectual conservatism able to distinguish between rationalist and conservative versions of liberalism and individualism might cause confusion. But perhaps this puzzlement is a condition favorable to exploring the scholarly resources of classical conservatism and classical American pragmatism in an effort to recover what they have in common and to effect a mutual philosophical enrichment. It is in that hope, and fol-

⁵⁴ Ryn's distinction between "tradition" and "traditionalism" is relevant here. Kirk's metaphysical reading of Burke's belief in a divine plan, on my reading, is in danger of hypostatizing the universal, which severs "the connection between universality and history," whereas Burke saw the two as intimately connected. Ryn, *Common Human Ground*, 91.

lowing Ryn's 2007 assessment of the problems of American conservatism, that I have attempted a critical analysis of one element of Russell Kirk's writing, his interpretation of John Dewey and pragmatism and of a portion of the thought of Edmund Burke. I offer this critique and commentary in order to outline the *pragmatic conservatism* I am defending. This defense is built upon a wholesale correction of Kirk's misreading of pragmatism and on a shift in interpretative emphasis from a metaphysical to an epistemological reading of Burke's conception of the moral order.

Pragmatic conservatism has nothing in common with ideological belligerence.

Pragmatic conservatism sees in history what both Burke and Dewey saw, a wealth of value worth preserving. Education is the primary cultural mode of transmission and preservation of individual habits and social customs. A pragmatic conservative relies on experience, pregnant with qualitative, affective, and associative dimensions—rather than on a static notion of reason or natural law—as the beginning and end of inquiry. Pragmatic conservatism has nothing in common with ideological belligerence. It has nothing in common with a denial of spiritual values, a reduction of life to physical sensation, a reduction of life's goals to physical satisfaction or material production. Rather, pragmatic conservatism advocates the maintenance and the free development of the religious aspects of experience. The spiritual values that these foster advance common goals. Here religiously articulated moral values, too, have a role to play. Pragmatic conservatism rejects an *a priori* distaste for the religious expression of values, but it also advances a notion of religion in which the meaning of human life is found *within* experience and a notion of faith as a tendency toward concrete ameliorative action.

Pragmatic conservatism does not treat the past as trash. On the contrary, it values the historic perspective and warns against yielding to short-term trends and lightly abandoning long-standing habits and norms. Pragmatic conservatism does not advocate a sentimental egalitarian collectivism. Rather, it defends the individual as a locus of value as it defends the need for individual rights, while rejecting an atomistic conception of the individual. If Burke was a liberal because he was a conservative, Dewey was a liberal because the values of classical liberalism needed preserving amid the big changes sweep-

ing the Western world. Pragmatic conservatism defends these values but rejects *a priori* or metaphysical conceptions of them.

Pragmatic conservatism views all inquiry as an ongoing experiment, though experiment not in some narrow scientific sense but in the broadest possible humanistic and spiritual sense. Pragmatism attempts to transform social precariousness and imbalance into stability and equilibrium. The special moral and aesthetical repose that pragmatism pursues is an integral part of its purpose. As we face the acute problems of our historical situation caused by social and economic changes and disruptions, our inquiries must be skeptical of both hasty innovation and rigid adherence to the status quo. Pragmatic conservatism is open to reform, for often reform serves the purpose of maintaining and transmitting principles and institutions of enduring value. Pragmatic conservatism does not promote a political coalition of self-interested groups. The distinction that Ryn makes between a philosophically serious conservatism, attentive to the moral, cultural and intellectual sources of action, and one governed by a misguided overemphasis on practical politics is also a distinction between the philosophically pragmatic conservatism that I am defending and the will to power pursuing short-term political interests. Understanding that difference allows us to see the wide discrepancy between a Burkean conservative and a neoconservative. My hope is that my defense of pragmatic conservatism will open up space for inquiry that advances a genuinely common good.

Pragmatic conservatism does not promote a political coalition of self-interested groups.

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