

Responsive Conservatism

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I

The fact – and I take it to be a fact – that conservatism has a more extensive life in political theory (as practiced in Politics Departments) than in political philosophy suggests that arguments for conservatism are more readily to be found in social science than in ethics – in facts about the nature (and limits) of political organization rather than in the content¹ or structure² of ethical evaluations.

If that is so, it might seem to raise a question as to whether conservatism rightfully has a place in political philosophy at all. Hayek for example in his famous critical essay on conservatism (informative in many ways that the writings of self-confessed “conservatives” rarely are) expresses a doubt as to “*whether there can be such a thing as a conservative political philosophy.*” He explains: “*Conservatism may often be a useful practical maxim but it does not give us any guiding principles which can influence long-range developments.*” The political philosopher, on Hayek’s stated view, “*is not concerned with what is now politically possible, but (quoting Adam Smith) rather with ‘general principles, which are always the same.’*”

There are two notable features of Hayek’s claim. One is that “*general principles which are always the same*” is the special province of *values*. The implication is that the realities of the human condition – and presumably valid propositions in the social sciences – cannot provide “*general principles which are always the same*”, a suggestion that would surely have astonished Smith and, I would have thought, ought also to have astonished Hayek himself, if he had thought about it directly. For example, the epistemic constraints that (on Hayek’s own view) afflict any attempt by social planners – even well-meaning ones – to secure the kinds of optimistic outcomes that can be produced by the market order, seem to constitute just such ‘general principles’. And Hayek surely believes that those epistemic constraints **are** capable of giving guidance on “*long-range developments*”!

So I think we ought to reject at the outset what Hayek implies about the possibility of a conservative political *philosophy*. We ought to acknowledge two propositions: first, that social science *does* provide some general principles which are sufficiently robust to provide a basis for judgments about political organization even in the long run; and b) that general principles of this type do have a role in political philosophy *qua* political philosophy.

¹ The preoccupation of Brennan and Hamlin (2014) and more specifically of Cohen (20??)

² The focus of Brennan and Hamlin (2004; 2006)

Now, one might concede the first of these propositions is true; but dispute the second. One might for example simply *define* political philosophy as being concerned exclusively with the ‘desirability’ aspect of political arrangements. The disciplinary division of intellectual labour might in this spirit assign the pure desirability issues to political philosophy and leave all questions of how politics actually works to political science. That there is such a tendency is beyond doubt. But strictly applied, it would mean that neither political philosophy nor political science, each operating in its respective sphere, could ever produce any practical recommendations. There would, for example, be no point in Rawls’ avowed interest in producing a “*realistic utopia*” because political philosophers could not claim any authority in relation to claims about realism. Besides, even if the disciplinary divide did track the normative/positive separation, there would remain the important task of putting the two elements together. Taking it as given that providing action-guiding advice always includes some element of “doing the best that is possible in the situation that obtains”, then what “betterness” involves and “what is possible” are jointly and severally required. In other words, if as Hayek supposes the object of a political philosophy is to provide “*guiding principles that can influence long-range developments*” then a sense of broad “feasibility considerations”³ in politics seems utterly indispensable.

This then represents the task for this paper. I want to explore the extent to which general considerations about the nature of social organization and its political expression might provide a kind of systematic defence of certain elements of conservatism in politics. I call this strand “responsive conservatism” in the sense that the conservatism in question is conceived as an optimal *response* to certain facts about human organization. The challenge is to uncover those facts and explain why they indicate a conservative bias.

The basic strategy revolves round the importance of convention as a source of social order -- and thereby of “mutual advantage”. The core idea might be construed in terms of Hume’s response to Hobbes. On this reading, Hume can be seen as endorsing the Hobbesian conviction as to the huge advantages that social order delivers but denying Hobbes’ appeal to ‘social contract’ in connection with realising those advantages. Ordered society might be, as Rawls observes, a “cooperative venture for mutual advantage” – but neither its existence in the first place nor its stability once in place rely on anything like the explicit ‘cooperation’ that a social contract might be seen to embody. Social order, Hume insists, emerges as a *convention* and is sustained *by convention*.

But straightforward accounts of social order as convention do too much work. They do because the forces that give rise to conventions *a fortiori* keep them in place. The logic of the argument suggests that conventions will never be overturned unless and until they cease to fulfil the functions that gave rise to them in the first place. And that seems wrong. On the one hand, for many

³ I am somewhat reluctant to use “feasibility” language here because it has become a somewhat contentious term in certain circles, and especially in debates over the relation between ideal and non-ideal theory. For my own views on how the term ought to be understood see Brennan (2014).

conventions (including the many of the most significant) it is not the case that everyone (or nearly everyone) has reason to comply. And yet, equally, it can be the case that conventions that are perverse (foot-binding in China and cliterectomy in parts of Northern Africa and the middle East are the classic examples) seem to remain obstinately resilient. That is, the convention prevails even though pretty much everyone would have reason to abandon it if most others did.

This then is the agenda. First, I want to say something about convention as a phenomenon – about the forces that make for stability and the corresponding forces that make for instability. This occupies us in section II. The approach taken in section II involves treating stability as fact – as a purely descriptive matter, as we might put it. But I shall want to say something also about the normative question of whether and under what conditions stability is a desirable property. That is the task of section III. In section IV, I want to suggest why a conservative disposition might be desirable over and above other substantive normative considerations (including specifically those that establish whether the convention is good or bad *simpliciter*). Section V offers a brief conclusion.

II Conservatism as Conventionality

In the standard philosophical treatment of convention, one central aspect involves stressing the essential path-dependency of conventions. The standard example might be the choice of which side of the road to drive. And the central point in this case (and others like it) is that all road users coordinate on the same practice: whether “left” or “right” emerges as the practice in question is in the limit irrelevant. A typical representation is that illustrated in Matrix 1 below. If both drivers coordinate on left, both are able to proceed on their journeys with minimal interference: equally, if both coordinate on right. The pay-off to each is typically taken to be the same and identical across the two matching options. But if one chooses right and the other left, the cars will collide with attendant damage to person and property. So in matrix 1 the payoffs to successful matching are 4 to row and 4 to column – whereas the payoffs to the unmatched possibilities are -10 to each.

Matrix 1

		Column's choice	
		left	right
Row's choice	left	(4, 4)	(-10, -10)
	right	(-10, -10)	(4, 4)

Standard analysis identifies [left, left] and [right, right] as Nash “equilibria”. The idea is that in a Nash equilibrium, choice of action by the two players is “mutually consistent” in the sense that each is doing the best she can, given the action choice made by the other. So if each knew what choice the other was making she would have reason to choose the action that would produce the Nash equilibrium.

The choice of the term “equilibrium” seems to suggest that if both players succeed in coordinating (say by choosing “left”) in a particular period – or indeed

over a sequence of periods – it would pay them to continue to choose the “equilibrium” option. After all, one might think, neither player has any reason to alter her action in the $(n + 1)$ th period. But the truth is that neither player has any reason in that $(n + 1)$ th period to stick to her previous action either – no reason, that is, based on expected pay-off maximization. Past practice can only translate into prediction if we stipulate that individuals have a propensity for constancy. On the other hand, it seems as if only a small propensity for constancy would be necessary. If player Row believes, based on Column’s previous conduct, that Column is slightly more likely to choose left than right, Row’s expected payoff is greater choosing left – and equally for Column. Each player’s beliefs need only be slightly in favor of the other’s conforming to the convention to generate the observance of universal compliance. (Is this a little like Schelling’s famous point that individuals need only slightly favour a majority of their own kind in order to generate complete segregation?) This suggests that even after a sequence of total compliance only a quite small change in beliefs could cause the convention to unravel.

I have referred to “constancy” here but I need to clarify. What precisely is it that each has to be constant *to*? One possibility is the action itself – so the convention that emerges might be left or right itself. Or the convention might be “alternate” – so (left, left) and (right, right) might follow one another in routine succession. What seems to be critical is, first, that the content of the convention is common-knowledge across the two players; and second that each has reason to believe that the other is, on any given interaction, more likely to follow the convention than not.

It is, I think, important to distinguish two different uses of the game theory representation: one is to *explain* the emergence of conventions; the other is to *justify* their existence. The first task is purely explanatory. The second is essentially normative. The two might overlap to the extent that the players have incentives to settle on a practice. So at the meta-level, players have reason to agree on some practice and follow it provided that the probability that the other has agreed makes it more likely than not that she will follow the practice. Nevertheless, there is a conceptual distinction between the explanatory and justificatory tasks. And if Hume is to triumph over Hobbes – if social order is to emerge from interaction by convention rather than by explicit agreement – then it looks as if one has to stipulate externally that individuals have a propensity to follow conventions: convention-following can’t be derived simply from the fact that that convention-following would be good for the players.

The connection to conservatism here should be obvious. Conservatism involves the notion that one has an obligation to comply with prevailing conventions: it tends to endow conventions with independent normative force. Conservatives not only tend to obey conventions themselves; they also are disposed to disapprove of people who don’t observe prevailing conventions and more generally to promote observance as a normatively superior activity.

In this sense, if one thought that coordination problems abound – and that conventions serve an important role in establishing and sustaining a generally

desirable social order – this would give one prima facie reasons for being a conservative. Behaving conventionally might be dubious (or simply do no significant normative work) in other settings – but if coordination problems are common and significant, then a disposition to act conventionally will be a presumptive good. And having a decent constituency of such persons will be valuable for everyone because action in the face of coordination difficulties will be that much more predictable.

I said earlier that practice is transformed into “precedence” essentially by something external to the coordination predicament itself. This means that conservatism operates independently of the considerations that justify it. Those justificatory considerations are broadly ‘welfarist’ in the Sen sense – they are utilitarian with utilitarianism understood in preference satisfaction terms. But suppose we add that underlying normative concern to the payoffs in the coordination game: suppose, for example, that half of the payoff to the other is added to the payoff of each (so each is motivated to some extent by utilitarian considerations, so understood). Then the matrix becomes:

Matrix 2

Row’s choice	Column’s choice	
	left	right
left	(6,6)	(-15,-15)
right	(-15,-15)	(6,6)

The essential structure of the matrix remains as before. A mere commitment to other’s utility (or total utility) as such doesn’t seem to be enough. What one requires is an addition to the value of an option that specifically reflects the past history of its use. If there is no such pattern then patterns will not emerge: conventions only get started by random replications. But once the replication happens to occur, the conservative will be led to have a preference for the option that is replicated (or the salient pattern that is repeated) and that option (or pattern) will tend to emerge as *the* prevailing convention.

III Anti-conventionalism

The structure of matrix 1 suggests two considerations that might lead to instability in a convention equilibrium. One is that the two Nash equilibria do not offer equal returns: suppose that one [(left, left) say] has a larger payoff to both players than the other [in this case (right, right)]. This fact gives simple consequentialist reasons to favour the high payoff outcome. But if that is not the prevailing equilibrium then the mere fact that there exists a better arrangement need not provide adequate reasons for change. The very reasons why the prevailing equilibrium *is* an equilibrium provide some grounds for sticking with it. There is social capital tied up in the prevailing practice, which is lost when a change is made. So, for example, if the process of changing from (left, left) to (right, right) involves an extended period of “out of equilibrium” behaviour with attendant low pay-offs associated with the uncoordinated outcomes then the change is not worth the ‘price’. The classic instance here is the change in Sweden from driving on the left to driving on the right. The advantages of driving on the

same side of the road as Nordic and European neighbours were self-evident. But the prediction was that a change in the road rules in Sweden would create a sufficiently large number of accidents as drivers became acclimatised to the new rules that the change would be on balance undesirable. Individuals who did not doubt their own capacities to adjust could reasonably doubt the flexibility of *other* road users and the general prediction was that many drivers would make mistakes with an attendant increase in the number of accidents. In fact, in the Swedish case, many cars were right-hand-drive vehicles prior to the change notwithstanding the “keep left” road rules. The change was not popular: in a referendum in 1955 over 80% of voters voted for the status quo. And when the Riksdag voted to proceed with the change (in 1963), the policy remained widely unpopular with the electorate. In fact, when the shift was finally implemented in September 1967, the accident rate went down (compared say to the preceding weeks) -- though the effect was temporary. There were attendant other costs (refitting buses, and replacing trams and imposing redirection of car lights so that the beam did not fall into the eyes of oncoming traffic.) As far as I know, no attempt was made to calculate the cost in terms of slower traffic and/or individuals being discouraged from using their cars (a genuine cost though not as salient as car crashes). As it happens, there is some evidence to suggest that accident rates are lower in left-hand than right-hand jurisdictions, presumably because most individuals are right-eye dominant, but no-one to my knowledge is suggesting that right-hand driving jurisdictions should change on that account. [Mozambique did change from right to left, but for similar reasons to Sweden: Mozambique is surrounded by ex-British colonies which have inherited a legacy of left-hand driving from the “mother country”!]

Metriation of currency and weights and measures is another example of change. Effected in the 60's in the UK, Australia and New Zealand it has been predominantly implemented (though the UK still uses non-metric measures of distance – miles and inches etc – and the “pint” is an unremitting tradition in the UK and Irish pubs!) Some minor attempts have been made to metricate the US – without notable success!

The language case is interesting in that the motives for selection among alternative equilibria seem to be as much driven by “identity” concerns as by instrumental ones. Canada seems to have been receptive to bi-lingualism precisely because it has helped maintain a Canadian identity somewhat distinctive from that of its more numerous and powerful, immediate Southern neighbour. The official treatment of the Welsh language in Britain (under the Welsh Language Act of 2011) is a pattern that seems common in modern Europe, where often minority languages and dialects have been increasingly recognized and encouraged. At the same time, we have witnessed the rise and rise of English as the lingua franca – encouraged jointly by instrumental considerations such as the internet and the international republic of science on the one hand and aesthetic considerations (if pop music can be so dignified) on the other.

In many of these processes of changing between rival equilibria in coordination games, governments are deeply implicated. Languages can be officially mandated (used in official documents or rendered in salient places like road signs). It is

rare in the modern world that particular languages are made illegal (and of course that is difficult to regulate) but the use of government force in such matters is not unknown. The metrication of weights and measures has been a matter of direct government policy – in some cases, by necessity as in the choice of currency units while in others via legislatively imposed educational curricula.

Of course the costs and benefits of change do not fall equally across persons and groups. The case in which the difference in payoffs between alternative coordination equilibria is the same across persons is rare. In general, different persons/groups have different stakes in which equilibrium emerges.

There are two different points that it is worth distinguishing here. One is that payoffs in different equilibria are themselves often asymmetric across players: the typical situation is one more like the battle of the sexes (illustrated in matrix 3) where the players have different preferences over which coordination equilibrium prevails. In this situation, players may have incentives to violate prevailing conventions precisely in order to increase the likelihood that their own preferred “equilibrium” will prevail. In such cases, the ‘battle’ among rival “equilibria” can trump the mutual benefits that coordination offers: all parties may prefer a 50% chance of each of the two equilibria to perpetual non-coordination, but each may reason that continued non-coordination makes it more likely that the other party will give in. This is one source of relevant difference – a difference of opinion as to which equilibrium would be better. This is a matter of a comparison between rival equilibria in the tabula rasa situation – a matter of “design” rather than “reform” as we might put it.

The other source of difference lies in differential costs of adjustment for different persons. To take an example close to my heart, it may well be that the shift from one software system to another within one’s university offers net benefits in toto. But it seems clear that the costs of any such shift are unlikely to fall equally on all employees. Often, the ones who purchase and/or design the software systems are more than typically impressed with the marginal advantages of one system over another or with the “neat things” that one can do under some novel software⁴. But different people are clearly differentially adept at making the changes. For some it may take months to get to a tolerable mastery of a given system – only to find that that system is to be jettisoned in favour of some whizz-bang alternative. The aficionados of the e-world doubtless underestimate the cost of change for many users: they may even feel that a kind of perpetual e-revolution is good for us (much as Chairman Mao did in a slightly different setting). Some people will make more mistakes, will experience greater anxiety and frustration, and will derive less pleasure from ultimate mastery than others.

⁴ I am reminded in this connection of a delicious observation of Adam Smith’s in a famous chapter in TMS. The chapter is famous for its explicit reference to an “invisible hand” mechanism. Smith begins the chapter by observing that a kind of aesthetic preference comes to dominate utilitarian considerations in relation to objects whose primary purpose is utilitarian. He notes that a watch that loses above two minutes a day is considered much inferior to one that loses only a minute a fortnight – and that the latter is much more highly valued and hence commands a much higher price than the first. But, Smith observes, he has not detected that the purchaser of this finer instrument is necessarily to be distinguished for his enhanced punctuality!

Or to take a different example, it will take some people more time and effort to learn a new language than others.

This latter difference is not reflected in the different payoffs to different people from different conventions once those conventions are in place. It is rather reflected in the differential time taken in making the transition to the new equilibrium and just how horrific some persons find the transitional purgatory to be. Innovators and policy designers are apt to be impatient with such persons – exasperated perhaps that they do not see the full advantages that they see in the new situation.

Let me summarize what I take myself to have said so far.

1. Strictly speaking, rational action is forward looking. Therefore agent rationality as such does not give us any grounds for thinking that stable outcomes can emerge in coordination games. An “equilibrium” is only an “equilibrium” in a weak sense: the fact that others chose a particular strategy in the past gives you no rational reason to think that they will choose that strategy/action in the future; and so you have no reason grounded in rationality alone to choose that action either. Collective success in coordination predicaments requires more. It requires a predilection towards behaving ‘conventionally’.
2. If we grant that predilection then coordination predicaments seem to present no challenge whatsoever. Everyone will rationally behave conventionally and a stable outcome will be achieved.
3. But challenges arise because:
 - a. Some people benefit more from some equilibria than from others – benefits for any individual are often not uniform across alternative conventions. Some people may have incentives to undermine conventions because ‘anarchy’ increases the chance that their preferred convention will emerge. When some individuals do less well under a prevailing equilibrium than others do (asymmetric payoffs) then changing the convention from time to time may have attractions for justice reasons, even if stability of conventional equilibria is thereby undermined. Conservatives can uphold the value of established conventions even though those conventions are less than perfectly just.
 - b. There is no guarantee under whatever processes exist for “equilibrium selection” that a Pareto-dominated coordination equilibrium will emerge. Or even if the emergent convention is initially Pareto optimal it may not remain so under changes in relevant circumstances. The fact that there is a Pareto dominating ‘equilibrium’ when selecting in a tabula rasa situation is not sufficient to imply that the “Pareto-dominant” one is better from a given status quo. One way of putting this point is that “reform” is categorically different from “ab initio design”. Another – since we “always start from somewhere” -- is that comparison of payoff structures is not enough for normative assessment. Still, it might seem as if there are benefits on offer; which a ‘conservative’ stance might plausibly reckon are illusory.

What tasks then remain?

I take it that one element in a genuine conservative argument along the lines suggested here is to show that conventions are more ubiquitous than might seem to be the case. I see that as being part of Hume's project – and I consider Hume to be the archetypical analytic conservative.

The second speaks to the nature of normativity. Getting conventions off the ground at all seems to require more than rationality, more than mere habit (though that is not to be deprecated), more even than a recognition that “that is what we do around here”. Or at least, “what we do around here” has to have more than descriptive force. Conventions seem to need (and I shall want to claim actually get) some normative force. But there is a question as to how any normative force they acquire is to be accounted for. It might seem attractive to rest that normative element in some broad consequentialist ground – conventions are good for us; they require a certain normative force; if that normative force applies then that will be good for us on balance; ergo the normative force is justifiable. But I am by no means convinced that that argument works. Or if it does, it requires the ultimate justificatory system to be self-effacing over some range. But it seems to me that the normative force needs to derive in some manner intrinsically.

Put another way, I am wondering if the value in conservatism doesn't relate to other debates about restrictive consequentialism and familiar paradoxes in rule utilitarianism. This carries me perhaps into rather deep philosophical waters where I am ill-equipped to swim. But it raises the question as to whether conservatism is ultimately fully reducible to some form of sophisticated consequentialism. Conservatives have to reject that possibility it seems to me: they have to insist not just that the normative forces that surround conventions are on balance a “good thing” consequentially; but also insist that those normative forces are themselves genuine and independent normative forces. These latter may be themselves irreducible. Or they may connect to other values (like justice, or identity). But it is an interesting issue whether conservatism reduces to “historically informed consequentialism” as Mueller suggests. I think there is more to be said on that issue.

IV Social Norms and Conservatism

In previous work focusing on “norms”, I (in company with others⁵) have tried to clarify a distinction between social and moral norms. Among other things we say this about social norms:

“what it means for a normative judgment to be such that it is grounded in part in a presumed social practice... is that it somehow appears to one that a special kind of behavioural regularity⁶ that one takes to exist within one's

⁵ See Brennan, Eriksson, Goodin and Southwood (2013). See also Southwood (2011).

⁶ The term “behavioural regularity” needs to be interpreted broadly. The behaviour in question might be the approval or disapproval of certain actions. There could thereby be social norms that are more honoured in the breach than in the observance. The point is that the grounds for having

*particular group or community*⁷ constitutes some non-derivative aspect of the justification for acting in accordance with a normative principle to which the practice corresponds" [p 69]

Moral norms by contrast we take to be practice independent in this sense.

My interest here is not so much in defending this way of casting the distinction as in emphasizing that social norms involve a type of normativity that provides a non-derivative justification for abiding by the norm. It is an intrinsic feature of social norms that somehow "...the practice must have taken on something of an independent life of its own." [p70]

It seems then that there is an intimate connection between conservatism – the conviction that the status quo has normative authority by virtue of being the status quo – and social norms. People who adhere to social norms find reasons for adhering that are directly connected to the fact that the relevant behaviour is a matter of common practice. Those reasons are genuinely normative, though the norms on which they rely are not (exclusively) *moral* norms.

Of course, in lots of cases where there is an attempt to justify a given social norms, moral considerations will be involved. So the social norm of wearing black at funerals depends on a social convention that black is the appropriate colour for funerals. To violate that convention would be to show disrespect for the bereaved. And showing disrespect in general -- and specifically to persons afflicted by grief – is morally reprehensible. Here, one might think, the threat of disrespect does "all the normative work". On this view, wearing black involves no appeal to social practice distinct from the sense in which insulting someone involves a 'social practice' because it uses particular words whose meanings are held by convention.

But one might insist otherwise. One might think that once the social norm is established, meanings are established that have "an independent life of their own." As you don your black suit, you may feel a sense of solemnity – a sense that this is the appropriate way to honour the deceased even though the family have asked mourners to wear red to indicate the *celebration* of a life rather than the mourning of a death. You know, under the circumstances, that you will be showing no disrespect to the grieving if you were to wear red. But still, you feel that red is not appropriate – it is not the colour that expresses the way you feel; it just isn't the colour appropriate to the occasion. You find yourself in the grip of

the attitudes in question depends non-derivatively on the fact that those attitudes are part of "how we think around here."

⁷ Again, there is an epistemic element in play here. It may be that people are wrong to think that most people exhibit the practice or hold the attitudes that are taken to be "regular" within the relevant group. Nevertheless, the grounds for the social norm lie in the belief (in this case false) that the practice/attitude in question *is* regular. For example, if most Princeton undergraduates believe that binge drinking is practiced or approved of among the undergraduate body, then binge-drinking can be a social norm among Princeton undergraduates even though the beliefs are false. See Prentice and Miller ().

the social norm. Like words, meanings are not available to be changed simply by someone's arbitrary stipulation.

Words seem to me to be a good case to exemplify the claim. Some time ago, I discovered that an Economics professor acquaintance of mine was an office bearer in the world Esperanto society. I discovered this because he told me that he was shortly off to the Annual Esperanto meeting. Since it seemed to me that the Esperanto movement was the classic example of a rationalist attempt to construct a social convention – and one that had more or less completely failed – I wondered what the point of such a meeting might be. So I asked him: “What do you do at an Esperanto meeting?” “Well,” he replied, “we of course talk to one another in Esperanto. But mainly we have live readings of Esperanto poetry”. I found that response instructive. Here, as I saw it, was an enterprise whose sole ambition had been utilitarian; but its last vestiges revealed the triumph of the aesthetic! The lesson I drew was that, once you have created words, they take on a power that is more than their communicative function. Or perhaps better put, words not only express attitudes and emotions and observations that are already there. Once they are “words” and not merely noises, their uttering has the power to *create* the attitudes/emotions/imaginings that those words express. When the lover asks his partner to “talk dirty”, it is with the intention to stimulate rather than to express lust. You might agree with a conversation partner that you will use a certain extant word to mean something else – but you cannot fully obliterate the original meaning. The word tends to carry the connotation endowed to it by convention.

Wearing red at the funeral may be something you agree to do, on the urgings of the deceased person's family. But doing so serves to detach this funeral – this death – from all the others you have attended (and responded to). I know many fellow-Anglicans (and many ex-Anglicans) who are no longer believers; but who find in the familiar words of the Book of Common Prayer an extraordinary source of comfort and reassurance. I know a number of non-church-goers who desire themselves to be buried according to the ancient rite: they want those particular words spoken and those particular ceremonies observed, even though they cannot (and *do not*) give rational assent to the content.

Let me try another way into this thought. Cricket, like other games, is a normative enterprise. It is played according to certain rules and conventions. When the uninitiated child asks why the bowler maintains a stiff arm in delivery rather than just chucking the ball, you explain: “that's just cricket”. When someone violates the rules, the response is: “That's just *not* cricket!” When in a famous incident, Trevor Chappell (the youngest and least famous of the three Chappell boys) on the final ball of an Australian/New Zealand one-day game bowled a “mullygrubber” (a ball delivered underarm along the ground) in order to prevent the New Zealand batsman hitting a six (and thereby winning the game), that too was seen to be “just not cricket”, even though mullygrubbers and underarm bowling are not strictly against the rules. The Chappell delivery was contrary to convention – and widely regarded as “unfair”. Australian fans were only slightly less outraged than the New Zealanders. Rather than seeing Chappell's delivery as an ingenious tactic to win the game, Australians were

broadly ashamed. In the same way, when Douglas Jardine had developed 'body-line' tactics to curb the prolific talents of Don Bradman in the 1932 Ashes series, there was outrage across Australia (and some reluctance among a small minority in England). Nothing in body-line bowling was illegal at the time it was deployed – but there was definitely a feeling that it was not very sportsmanlike and the Australian captain refused to retaliate in kind, declaring that bodyline (or “fast leg theory” as it was called) was “not cricket!”

My point here is not an unfamiliar one: cricket is a normative enterprise played according to formal rules and informal conventions. Violations of the formal rules are ruled on by umpires (the primary on-field enforcers) but violations of conventions are the subject of normative assessment and in some cases treated as “unfair” or “contrary to the spirit of the game”. Although attitudes to these rules and conventions are intense, for the most part violations do not qualify as *moral* violations. Arguably bodyline was physically dangerous (but no more so than is regarded as routine in many sports). But certainly Trevor Chappell's mullygrubber threatened no lives. It did however produce violent reactions. The claim here is that the rules and conventions of cricket are normative but the normativity is not *moral*. Cricket is governed by essentially social norms.

Here, we ought to distinguish between the question as to whether an activity satisfies the rules/conventions internal to the practice and the question as to what justifies the practice. “Should we play/support/watch/subsidize (etc) cricket?” is just a different question from whether something within the game satisfies the rules/conventions of cricket itself. “Is it cricket?” vs “what's so good about cricket?” are just independent questions.⁸ But it should not be thought that the latter question, because it evokes a more explicitly moral set of issues – is the more significant normatively or the more intensely fought.

The same point might be made about aesthetic norms and moral ones. What makes a fine aria or a splendid singer – a fine symphony or a first-class orchestra – is not settled by moral considerations. It is much more a question of social convention. But that fact doesn't diminish either the normativity of the enterprise or the intensity of disagreements within the relevant domain⁹.

The distinction between the two questions I have been drawing – one concerning the internal rules of the social practice and the other the value of the social practice itself – seems straightforward enough in the case of cricket and music, in part because activities like cricket and music are ones for which the question: “why engage?” is a meaningful question. In deciding how to dress appropriately

⁸ The idea that there are different kinds of normativity is familiar. An argument might be a “good argument” in that it is logical and makes appeal to empirically justified evidence or a “good argument” in the sense that accepting it produces good consequences, whatever the argument's (internal) validity. An orchestral conductor might be a “good conductor” from an aesthetic point of view and a “bad” conductor morally speaking. See the movie *Taking Sides*, for an exploration of this tension in relation to Furtwangler. Peter Schaffer's play *Amadeus* might be interpreted as playing with a similar tension in relation to Mozart.

⁹ Witness for example the intensity of the antagonism between Brahms and Wagner (or more accurately their various proponents) in mid-19th century Germany.

for a funeral, the decision to attend the funeral at all is not at issue. And in political contexts, the distinction is even more problematic because over a significant range, political activity seems unavoidable. So in relation to rules of political engagement there is a question as to whether the applicable norms are social or moral ones – or, if both, where the balance lies.

The basic conjecture is this: many political institutions/arrangements are to be thought of as governed by social norms. That is, their normativity arises in part from within the practice itself. It may well be that moral considerations are routinely wheeled in to provide a defence/rationalisation of the institution/arrangement. But once we recognize an independent source of normativity within the practice, then at best the *moral* defence is only part of the normative story. And even if the moral arguments seem to suggest modification, there will be an independent source of normativity supporting the status quo. It would be a mistake to think either that these independent 'conservative' forces have no normative credentials or that their force is only second order.