

CONSERVATIVE VALUE

Geoffrey Brennan

Australian National University

Duke University

University of North Carolina

Alan Hamlin

University of Manchester

King's College London

Abstract

Conservative dispositions may take a number of forms and may relate to values in different ways. We distinguish between three forms of conservatism and focus attention on the form in which conservatives identify and recognize a value not recognised by non-conservatives. Starting from a discussion of a recent attempt to rescue distinctively conservative values by G.A. Cohen, we provide an analysis of the requirements of such a conservative position and a formulation in terms of state-relative evaluation. We also discuss the relationship between this form of conservatism and the general issues of value aggregation.

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1. Introduction

All conservative dispositions, as we shall understand them, involve a status quo bias of some form, although the precise form may vary from conservative to conservative.¹ In an attempt to analyse this variety, and alternative ways in which such a status quo bias might be justified, we distinguish three classes of conservatism: one that reflects an attitude or posture towards an underlying value or values; one that appeals to an argument about the way in which values are present in the world; and one that appeals to the identification of a particularly conservative value or values.² The first style of conservatism may be termed *adjectival* in that it casts the word ‘conservative’ as an adjective that conditions the appropriate response to underlying values, whatever they may be. Non-conservatives may recognise the same values but respond to them differently. For example, if the underlying value is specified in terms of equality, we might distinguish between a conservative egalitarian and, say, a radical egalitarian. The second style of conservatism may be termed *practical* and amounts to a broadly empirical claim about, for example, the real costs of departures from the status quo which may derive from the fact that the status quo might be seen as a social equilibrium involving a variety of conventions and that it will typically be costly to shift from one convention equilibrium to another. Note, however, that the relevant costs here are defined in terms of values that may be held in common with non-conservatives. The third style of conservatism may then be thought of as *nominal* in that it casts the word ‘conservative’ as a noun and so identifies conservatives of this type as those who recognise a particular value (or values), not recognised by non-conservatives, which directly grounds the conservative disposition.³ For example, if we use conservative in this nominal sense we would point to a substantive distinction between egalitarians (even conservative egalitarians) and conservatives that relates to the set of values they recognise and endorse. Of course, nominal conservatives are not committed to the view that the specifically conservative value or values are the only values, so that there may be trade-offs or other conflicts between conservative values and other

¹ The idea of a status quo bias will be explored in more detail below, for now it is sufficient to say that a status quo bias grants some evaluative privilege to the status quo simply because it is the status quo. However, we do not follow Huntington 1957 in identifying conservatism as purely positional, rather we agree with Freedman 1998 who identifies conservatism as ‘predominantly concerned with the problem of change’ (p332). We also distinguish conservatism from classical liberalism and free market libertarianism following, among others, Hayek 2006, Buchanan 2005 and Müller 2006. As the latter puts it: “libertarianism is not, by any stretch of the imagination, a form of conservatism” (p364).

² We choose to phrase these distinctions, and much of what follows, in terms of ‘values’, rather than ‘reasons for action’, this does not imply or rely on any particular view of the general relationship between values and reasons for action. We will return to this relationship, briefly, in section 2b below.

³ Our use of ‘nominal’ is simply intended to pick out the use of ‘conservative’ as a noun, and is not intended to imply that we regard this form of conservatism as conservatism in name only, or that there is any distinction that mirrors the real/nominal distinction as used by economists.

values and, for example, the conservative may still regard equality as a value alongside the specifically conservative value(s), but the nominal conservative is committed at least to the identification of specifically conservative value and perhaps to some argument as to why it ought to have normative status.

In earlier papers we have provided an analysis of adjectival conservatism that builds on an understanding of a generalised conservative attitude to the realisation of value under conditions of uncertainty, however the underlying value might be defined.⁴ In this paper we seek to provide an analysis of nominal conservatism by considering the structure and content of potentially distinctive conservative values. As is suggested by the reference to uncertainty in relation to adjectival conservatism, we think of nominal conservatism as a form of conservatism that would apply even in a world of complete certainty. Many conservative thoughts and styles of argument, including (but not limited to) appeals to the ‘precautionary principle’ or the ‘law of unintended consequences’ or claims about the operation of ‘slippery slopes’, relate more or less directly to uncertainty. One can’t therefore rule out the possibility that the conservative element of those thoughts may derive from the attitude to the realisation of value under conditions of uncertainty rather than to the identification of a specifically conservative underlying value⁵. So our strategy in exploring the possibilities for nominal conservatism involves an explicit abstraction from uncertainty so as to concentrate attention on distinctively conservative values themselves.

One further point on the relationship between adjectival, nominal and practical conservatism is in order at this stage. Initially at least, we take these three forms of conservatism to be mutually independent. We do not wish to claim that one or other of the forms - or any particular combination of the forms - is the ‘true’ conservatism. Our interest in this paper is simply in making the distinctions and providing an analysis of the nominal form.

The common feature of all nominal conservative arguments is that they seek to justify a status quo bias by appeal to a specific value that is overlooked or discounted by non-conservatives. This is not to say that such a conservative value applies in all decision-making contexts. The value may be relevant only in certain cases, so that conservatism and the associated status quo bias are only warranted in those cases. And, as already noted, the relevant conservative value may not be the only value relevant even in those cases where it applies. But for the relevant value to qualify as a substantive conservative value it must operate systematically to protect the status quo to at least some extent in at least a significant range of cases. Other values (liberty, equality, well-being, etc.) may

⁴ See Brennan and Hamlin 2004a, 2006, 2013.

⁵ On the precautionary principle see Sunstein 2005, Steele 2006 On unintended consequences see Vernon 1979, Sunstein 1994 On slippery slopes see Walton 1992, Volokh 2003

sometimes support the status quo and sometimes support a proposed alternative, but any support for the status quo from consideration of such values is contingent in the sense that if the choice is between A and B and the value in question recommends B, then it would do so regardless of which of A and B happens to be the status quo (or, indeed, if the status quo were some third possibility, C). By contrast, we take it to be an essential aspect of any genuinely conservative value that that value attaches to the status quo as a non-contingent matter.

While adjectival conservatism is a matter of attitude towards values, particularly under conditions of uncertainty, and practical conservatism is a matter of the correct analysis of the facts relating to relevant costs, benefits and values, nominal conservatism rests on the claim that there is a particular category of values over and above those considered by non-conservatives which, when considered even under conditions of certainty, provide justification for a status quo bias. The main task of this essay is to consider the form of nominal conservatism and assess its standing. The leading recent discussion of nominal conservative is provided by G. A. Cohen who distinguishes between two variants which he terms ‘particular value’ and ‘personal value’.⁶ In the next section we discuss particular value in some detail. Since we accept some aspects of Cohen’s discussion but reject others, the section will end by offering a reformulation of the idea of a nominal conservative value in terms of ‘state-relative value’ that builds on what we see as the key aspects of Cohen’s notion of particular value while jettisoning some of the less attractive and inessential features. Section 3 will then turn more briefly to consider the idea of personal value. Section 4 offers general discussion and conclusions.

2. Particular Value

In one of the last essays completed during his lifetime G.A. Cohen attempts to rescue and revitalise an understanding of conservatism that he sees as both valid and distinctive from most readings of conservatism. The major part of that essay is devoted to explicating and defending the idea of particular value which Cohen identifies as arising when “a person values something as the particular valuable thing that it is, and not merely for the value that resides in it” (Cohen, 2011, p206). The key distinction here is that between the ‘valuable thing’ itself, and the ‘value that resides in it’. On Cohen’s account, the value that resides in any particular thing may be of a variety of types – it might be intrinsic or instrumental, it might relate to prudential value, aesthetic value, moral value or any other appropriate value or combination of values. The details are not important. What *is* important is that while the set of values recognised as residing within the ‘thing’, which together constitute what

⁶ Cohen 2011 A slightly different version of the essay appears as chapter 8 in Cohen 2012

Cohen refers to as the ‘basic value’ of that thing, are the values that make that thing valuable, there is then an additional ‘particular value’ that attaches to the valuable thing itself. And it is this additional particular value that grounds the conservative disposition.

“The conservative impulse is to conserve what is valuable, that is, the particular things that are valuable. I claim that we devalue the valuable things we have if we keep them only so long as nothing even slightly more valuable comes along. Valuable things command a certain loyalty. If an existing thing has intrinsic value, then we have reason to regret its destruction as such, a reason that we would not have if we cared only about the value that the thing carries or instantiates. My thesis is that it is rational and right to have such a bias in favor of existing value” (Cohen 2011, p210).

Note that a necessary condition for a thing to have particular value is that it is valuable in terms of basic value, but that particular value is over and above basic value. For ease of presentation, for the remainder of this essay we will often refer to basic value as BV, while particular value will be denoted by PV.

Note also that the argument for particular value operates in a world of certainty. There is no appeal to uncertainty over the basic value of things, or to uncertainty over the potential future use or value of things, in the argument: things, or at least some things, are simply argued to attract particular value if they currently exist and have basic value.⁷ It may be that some of the intuitive appeal of Cohen’s discussion arises not from the argument for a novel form of particular value, but rather from an implicit (and illicit) appeal to uncertainty and the value of keeping options open⁸. In discussing the idea of particular value in more detail, we must be on our guard against such appeals by focusing on arguments in the setting of certainty.

The fundamental idea underpinning PV is the idea that specific things should be valued over and above the BV that resides in them. Another way of expressing this idea is that we should place PV on the specific token rather than simply valuing the type that it represents; so that we value a specific instantiation of a type that actually exists in the present more highly than we value an abstract representative of the type.⁹ But Cohen wants to argue much more than this. For one thing, he argues

⁷ This in contrast to the idea of ‘existence value’ as developed in the environmental economics literature by Weisbrod 1964, Krutilla 1967, Arrow and Fisher 1974. The key idea in that literature is the idea of option demand or option value, where the very idea of option demand depends on uncertainty relating to the future and the value of keeping options open.

⁸ The possibility of such an implicit intuitive appeal is clear in some sections of Cohen 2011 particularly when discussing slippery slope arguments (p208-209).

⁹ This type/token interpretation was suggested to us by Christian List.

that while there may be trade-offs between PV and BV, recognising the existence of PV undermines the possibility of value maximization as a strategy. For another, he wishes to maintain a domain distinction between the domain of conservatism as defined by the recognition of PV and the domain of justice: so that the type of conservatism that arises from the recognition of PV carries no implications for justice.

Our more detailed discussion of Cohen's idea of PV will proceed by addressing a series of questions: what things attract PV? What sort of value is PV? What, if anything, stands in the way of incorporating PV into a more general strategy of pluralist value maximisation? What, if anything, stands in the way of incorporating the conservatism associated with PV into the domain of justice? Our discussion of these questions will lead us to challenge some aspects of Cohen's conceptualisation of PV while accepting what we see as the core of the idea. We will therefore offer a reformulation of the central idea, shorn of some of the further ideas that Cohen saw as tied into the notion of PV but where our discussion reveals significant concerns. That reformulation identifies the idea of 'state-relative value' as an appropriate formulation of a substantive and nominal conservative value.

2a What things attract particular value?

Cohen does not address this question explicitly beyond specifying that particular value attaches to things which carry positive basic value. So we must consider his examples. These fall into two broad categories: on the one hand we have a range of physical objects, most often works of art; while on the other hand we have complex institutions such as a college.¹⁰ In both cases the examples focus on the possibility of reform. In the case of works of art, the examples revolve around allowing the destruction of one artwork in order to create another.¹¹ It is admitted, for the sake of argument, that the new work is at least somewhat superior to the old work in terms of its BV (that is, in terms of the aesthetic and other values that it carries), but nevertheless it is argued that it would be inappropriate to allow the existing work of art to be destroyed in a situation where it could be saved at the cost of foregoing the new work, at least if the potential increase in BV is 'small'. To put the point another

¹⁰ A major difference between the two published versions of Cohen's paper relates to the choice of institutional examples. In the 2011 version the leading example used is a fictional Canadian undergraduate liberal arts college (Kenora Rainy River College), in the 2012 version (and in most earlier drafts) the example used is All Souls College, Oxford.

¹¹ We say 'allowing the destruction of' rather than 'destroying' so as to finesse any additional deontic constraints that might prohibit active destruction while allowing a passive stance towards destruction by other means. We believe that Cohen's case is most plausibly put in these terms, although Cohen himself refers to active destruction in at least some cases.

way; if there are two (potential) works of art A and B, and it is the case that starting from a position in which neither exists it would be better to bring B into existence than A, so that in terms of a level-playing-field comparative valuation, B is more valuable than A, Cohen argues that it might still be the case that if A exists and we are faced with a choice between saving A from destruction and bringing B into existence, we should conserve A. Note that this does not deny that some destructions of this general type will be permissible; it simply indicates that the additional PV attaching to the existing work A, the existing token, generates a minimum threshold that must be exceeded by the proposed improvement in terms of BV if destruction and replacement is to be acceptable, thus providing a bias in favour of the status quo relative to the case where only BV is considered.

In the case of an institution such as a college, the idea of reform and ‘destruction’ of the existing institution is somewhat more complex. In Cohen’s imagined case of Kenora College, the proposal for reform under debate is the possible admission of graduate students into what has traditionally been an undergraduate institution. Again it is accepted that the expanded college might be at least somewhat ‘better’ in terms of the relevant BVs, whatever they may be. Indeed, Cohen even allows the possibility that the reform of the college might be argued to generate a benefit in terms of the college’s core mission of undergraduate education. Nevertheless, he suggests that the proposed reform might properly be resisted on the grounds that it undermines the ‘central organizing self-conception’ (p.206) or perhaps ‘identity’ of the existing institution as an undergraduate college. Once more, Cohen stresses that this resistance may be overcome if the gain in BV is large enough; but the PV associated with the existing institution is sufficient to establish some genuine status quo bias. The implication is that in the case of complex objects such as colleges, the protection of PV attaches to some idea of the fundamental identity of the relevant object. Reforms that threaten such fundamental identity can be resisted by appeal to the protection of PV.

An important question then is how far these examples can be extended? Are all existing objects – whether physical or not – protected to at least some degree by such a PV provided only that they are the bearers of at least some positive BV? If PV acts as a (limited) protection in preventing one statue being re-carved into another (slightly) better statue, does it also act as a (limited) protection in preventing a natural piece of stone (which has some BV) from being carved into a statue at all?¹² Since almost all acts of production can be seen to be acts of transformation, such a wide reading of the range of PV would have implications almost everywhere.¹³ And this is especially true given that the example of Kenora College indicates that the protection is not just for physical objects, but also extends to the fundamental aspects of institutions, laws, norms and other non-physical artefacts. It

¹² See particularly the discussion at Cohen 2011 pp.216-217.

¹³ For a related discussion see Davison 2012.

should be clear that the claim of PV could ground conservatism across a very wide range of applications.

Of course, it should also be clear that while such conservatism may be wide ranging, it may also be rather weak in at least many cases. The recognition of the idea of PV says nothing about its scale or weight and therefore nothing about the strength of the conservatism it grounds. Cohen is very clear (Cohen 2011 pp205) in indicating that he is concerned to point out a category of value that he believes is often overlooked or discounted, rather than making any detailed claim about how this particular value might be measured and weighed against BV in any specific case.

So, it seems safe to assume that Cohen's purpose is best served if we allow the possibility of PV attaching to all things that carry BV— whether physical objects or not — provided that we leave open the question of the weight of the PV in each case. Of course, this possibility does not imply that all valuable things actually generate significant PV, it is surely the case that many, probably most, things generate or attract no (or insignificant levels of) PV, but it seems difficult to identify the set of things that do generate or attract significant PV. We might, for example, attempt to restrict PV to things whose BV is greater than some specified level — so that only very valuable items attract PV; or we might attempt to restrict PV to a specific list of things. However, these alternatives seem both arbitrary and unnecessary: arbitrary since it is not clear what criteria could be used to make the relevant restriction operational; and unnecessary since all the real work would be done by varying the weight or quantification of PV in individual cases. A further alternative would be to restrict PV to man-made, rather than natural, things (which carry BV). This is suggested by a passage in which Cohen is discussing Kenora College, “Because the College is a valuable human creation, it is not right to treat it as a mere means for the production of good results, as we do if we ask *only* what is the best that can be got out of it, or the best that can be made of it..” (Cohen (2011) p.207). The fact that the College is a human creation (as are the works of art discussed above) seems to be significant here, but why? Presumably the intended link is with the familiar Kantian idea that we should not treat individual humans as mere means, but it is by no means clear why this idea of respecting humans as individuals should carry over to inanimate man-made objects, or if to those objects why it might not be extended to natural objects.

This very general, but equally vague, claim reflects an underlying difficulty in specifying the status quo.¹⁴ While in the world of simple physical objects, the set of existing things may be well defined at any moment in time, this may not be so clear once we extend our reach beyond the physical. Consider

¹⁴ See, for example, Brennan and Hamlin 2004b.

the English language.¹⁵ At any given time we might define the then existing vocabulary and usage as representing the status quo and so resist change to vocabulary and usage on the basis of the PV attached to current existing practice (which is surely of BV). On the other hand, we might point to the tradition of dynamic adaptation as a key part of the fundamental identity of the English language; so that it is the process of accepting and accommodating neologisms and modified usage that should be protected by appeal to PV against any attempt to entrench a static conception of the language. Here we have two very different conceptions of the relevant idea of the status quo, one static, the other dynamic (and of course other conceptions are possible); the idea of PV seems applicable to either, but is of no immediate help in selecting which is the more relevant. Two broad possibilities suggest themselves: one revolving around an appeal to BV, the other revolving around the quantification of PV.

The first possibility might be developed to argue that when we have competing elements of the status quo each of which carries BV and so qualifies for PV, we have most reason to conserve whichever aspect of the status quo is associated with the greater BV. Thus if the static notion of English is deemed to carry more BV than the dynamic notion of English, this would imply that it is the static notion that would qualify for PV and not the dynamic version. If this line of thought were carried through it might imply that in any situation in which there were mutually incompatible notions of the status quo in play, then only that notion which carried with it the greatest BV would qualify for particular value and so be associated with an additional reason for conserving that specific aspect of the status quo.

The second possibility might be developed to argue that it is not just the mere fact of PV that associates with existing carriers of BV but that each such carrier must be assigned a specific amount of PV over and above its BV. The idea that PV should be subject to quantification in this way is suggested by Cohen's recognition that it may sometimes be necessary to trade off PV against BV but the suggestion here goes rather beyond that recognition to directly propose the quantification of PV. And once such quantification is admitted in principal, it is a short further step to suggest that the determinants of the scale of the PV to be associated with any particular aspect of the status quo might be determined by a wide range of factors including, but not limited to, the BV associated with that aspect of the status quo. So, for example, we might think that the BV of the static notion of English is greater than the BV of the dynamic version of English, but nevertheless believe that the PV associated with the dynamic version is greater than that associated with the static version. This will of course have implications when it comes to the potential trade-off between BV and PV and for the potential for the aggregation of BV and PV, and we will return to these implications below.

¹⁵ For related remarks see Cohen 2011 p224.

In comparing these two possibilities we note that the second is surely more general than the first. The first might be re-described as quantifying PV but taking the underlying quantity of BV as determining the attribution of PV. So that the quantity of BV fully determines the extent of any associated PV.¹⁶ Since the second possibility allows (but does not require) further influences on the extent of PV it seems preferable on a priori grounds.

We might further question Cohen's claim that PV, and hence the nominal conservative disposition, attaches only to existing things of positive BV. Does the conservative disposition have nothing to say about existing things that are regarded as valueless or of negative BV? In respect of things of negative BV, there seem to be three significant possibilities: the conservative could attach negative PV to such things, she could attach positive PV to such things, or she could view them entirely in terms of BV with PV effectively set at zero.

The option of attaching negative PV to things of negative BV seems symmetric with cases in the positive domain in that PV is seen to amplify or expand the underlying BV. As Cohen writes, "wanting to conserve what has value is consistent with wanting to destroy disvalue" (Cohen, 2011, p.224). Of course, the attribution of negative PV to things of negative BV implies a radical, rather than a conservative, disposition in the negative domain. An individual who attributes negative PV in this way will have even stronger reason to destroy or reform things of negative value than those who recognize only BV. But note an oddity here. Such an individual would be willing to exchange the thing of negative value for an item that is actually a little worse in terms of BV. Of course, such a person would prefer to exchange the existing thing for something of positive BV (or less negative BV) but faced with the straight choice between the existing bad thing and a slightly worse alternative (in terms of BV), this person would choose the worse alternative. This threatens the possibility of a downward spiral, which seems a long way from the core idea of conservatism. Partly for this reason, we do not attribute this view of attaching negative PV to things of negative BV to Cohen, and neither do we endorse it ourselves.

The second option, of attaching positive PV to things of negative BV, is more directly conservative in that it grounds a status quo bias in the face of potential reforms that offer only very limited improvements in BV, but it does so only by departing from Cohen's idea of loyalty to the actual bearers of value, replacing that idea with loyalty to all existing things, whatever their status in terms of BV. For this reason, we do not attribute this view of attaching negative PV to things of negative BV to Cohen, and neither do we endorse it ourselves.

¹⁶ In the example given above the mapping from BV to PV grants positive PV only to the alternative with greatest BV, but other mappings which fully determine the quantity of PV by reference to the quantity of BV are clearly possible.

Neither of these options fits entirely comfortably with the central idea of the conservation of valuable things. The third option, of treating things of negative BV purely in terms of their BV, avoids the problems associated with the rival options, and so we will continue with the view that PV attaches only to things of positive BV.

2b What sort of value is particular value?

Cohen clearly intends particular value to be understood as providing all individuals with considerations relevant to decision making. It is also clear that Cohen intends that PV may be traded off against BV in at least some contexts. So, is PV an intrinsic value that attaches to relevant things? This is not the place to rehearse either the discussion of the nature of intrinsic value or the debate on the relationship between values and reasons for action, but we do need to say something about each of these topics.¹⁷ Intrinsic values are normally taken to be values that are non-instrumental, objective and valued in virtue of an intrinsic property (or relations between such properties). It seems clear from Cohen's account that his idea of particular value is both non-instrumental and objective: non-instrumental insofar as it explicitly and importantly does not depend on any means-ends relationship to any further value or values; objective insofar as it is not derived from, or calibrated by reference to, the perceptions of any individual. But does PV respond to an intrinsic property of the relevant object or any relation among intrinsic properties? Cohen denies that particular value attaches to 'existence' per se,¹⁸ and the only other feature that is common to all of the things that attract particular value is the fact that they are valuable (in terms of BV). It is difficult to see that 'being valuable' in this sense can be regarded as an intrinsic property of objects without circularity. It might be suggested that it is the compound property 'existing and being valuable' provides the grounds for taking PV as an intrinsic value, but this is at least doubtful, since it is not clear that either element of the proposed compound is itself a property in the relevant sense. The lack of any clear intrinsic property that grounds PV seems to threaten the interpretation of PV as an example of an intrinsic value. Indeed, in places Cohen seems to deny that PV is a value at all, in any normal sense: "Value, one might provocatively say, is not the only thing that is valuable; so are particular valuable things." (Cohen

¹⁷ For a starting point in the discussion of intrinsic value see O'Neill 1992 For a starting point in the discussion of the relationship between reasons and values see Wallace 2010

¹⁸ In private correspondence (dated February 2009) Cohen writes: "Ever since Kant's disproof of the ontological argument for the existence of God philosophers have been reluctant to regard existence as a property, and I swim in the mainstream here. How valuable something is depends on what it is like, and it is exactly the same whether it exists or not. Existence doesn't add value (though I may culpably express myself in that direction sometimes): it gives a reason for cherishing what's valuable."

2011 p.212). While this remark is deliberately enigmatic, it - together with the quote cited in footnote 17 - suggests that Cohen may see PV as a reason for action rather than an example of a value.

What, if anything, hangs on the distinction between a value and a reason for action? This is, of course, a big question encompassing the relationship between the evaluative and the normative. Some would argue that values ground reasons for action in the sense that if a state of affairs is valuable, this fact in itself provides a reason for acting to bring about (or preserve) that state.¹⁹ On this account, evaluation precedes normativity. This account has been broadly reversed by those who argue that reasons are the more basic concept, and that statements of value serve the more limited role of pointing out that certain states of affairs have other ultimately reason-giving properties.²⁰ Whichever of these general accounts is accepted, the relationship between values and reasons is complex, but for our current purposes we can take a relatively uncontroversial position in which the detailed structural relationship between normative reasons and values is left open but their correlation is recognised. Thus, the recognition of value in a state of affairs is associated with reasons to act to bring about that state, but there may also be reasons to act that are not directly associated with identified values. In this context, each substantive value (freedom, equality, welfare, etc.) picks out a particular set of properties that provide reasons to act to bring about those states of affairs exhibiting those properties.

This ecumenical position seems consistent with Cohen's suggestion that the recognition of PV might provide a reason for action without necessarily contributing to the value of the relevant state of affairs. But what sort of reason for action could PV provide? The most obvious candidates that do not rely on the identification of a property that is also recognised as a value are deontological and agent relative reasons, and yet Cohen is explicit in contrasting his discussion of PV (and the conservative disposition that it grounds) with deontological arguments,²¹ and it is equally clear from his discussion that the idea of PV is intended to be agent neutral. Furthermore, the very fact that Cohen clearly indicates that, in general, consideration of PV will need to be traded off against considerations of BV indicates that we must be generally willing to see these two categories as broadly commensurable.

A further point concerns the possibility of anticipating particular value. If a reform brings a thing into existence and that thing carries BV, that thing can be expected to acquire PV in the future. Should we not account for such *expected* future PV in our decision making? And if we did account for this expected future PV in our decision making, would that undermine the claim that the recognition of PV

¹⁹ See for example Raz 1999.

²⁰ See, for example, chapter 2 of Scanlon 1998.

²¹ Cohen 2011 section v, pp. 218-219.

grounds a conservative disposition?²² These questions focus on the central element of the idea of PV: that it relates only to things that exist now – that is, at the point in time at which some decision is to be made. Expected or anticipated future PV is not PV and treating expected PV as if it were PV would amount to denying the core idea that PV is intended to capture: that we owe some special loyalty to the valuable things that actually exist now. The nominal conservative may recognize, at the intellectual level, that valuable things that will come to exist in the future will command PV in the future, and may readily accept that such future PV will be relevant to decision making at the relevant time in the future, while denying that expected future PV should be taken into account in present decision making.

We also note the possibility that the extent of the PV that attaches to an existing thing at a particular time may be, in part, a function of the length of time for which that thing has existed. While Cohen is ambivalent about the relevance of the longevity of any thing to its PV at the definitional level – so that he does want to claim that even if an object of BV has only just come into existence it still qualifies for PV and so for conservation, he does seem open to the possibility that the extent of PV may increase with the duration over which the object in question has existed (see Cohen 2011 p. 214). This point speaks directly to the issue of the quantification of PV and its relation to underlying BV. The key to understanding the status of PV seems to lie in its relationship to BV, where Cohen argues both in favour of the practice of trade-offs and against any form of overall value maximization. It is to this aspect of the puzzle that we now turn.

2c What, if anything, stands in the way of incorporating particular value into a more general pluralist value maximisation?

Cohen clearly states that recognition of particular value is, in his view, inconsistent with a wide range of positions all of which depend on forms of value aggregation:

“Among the philosophers that I have in mind are utilitarians, who purport to see nothing wrong with destroying value, if more value results. To seek to maximize value is to see nothing wrong in the destruction of valuable things, as long as there is no reduction in the total amount of value as a result. Unlike the conservative, the utilitarian is indifferent between adding to what we have now got, at no cost, something that has five units of value, and adding

²² We use ‘expected’ here just to mean that the particular value lies in the future, not to suggest that any uncertainty attaches to its realization. If uncertainty were relevant that fact might introduce additional considerations relating to the individuals posture towards uncertainty and, therefore the possibility of a form of adjectival conservatism that builds on particular value. We do not pursue that possibility here.

something worth ten units of value at the expense of destroying something worth five. The utilitarian says: “Let us have as much value as possible, regardless of what happens, as a result of that policy, to existing bearers of value: they do not matter, as such.” Conservatism sets itself against that maximizing attitude, according to which the things that possess value, by contrast with the value they possess, do not matter at all. Conservatism is an expensive taste, because conservatives sacrifice value in order not to sacrifice things that have value. We keep the existing particular valuable things at the expense of not making things in general as valuable as they could be made to be” (Cohen 2011 p211-212)

This criticism is then extended to non-utilitarian pluralist value maximizing consequentialists, and others (such as sufficitarians) who may not maximize value, but nevertheless deal in aggregate value.

This all makes perfect sense if we read ‘value’ to mean ‘basic value’, since that simply reminds us that to focus on BV is to ignore PV. But what if we construe ‘value’ to mean ‘basic and particular value’, so that the value of a state of affairs includes both its BV, which may itself be some sort of aggregate of various types of value, and the PV that is associated with the specific bearers of BV that exist in that state of affairs. With this broader idea of value, which Cohen is surely arguing in favour of, can we still mount a criticism of non-utilitarian pluralist-value-maximizing consequentialism?

The fact that Cohen is clear that a conservative of the type he defines and defends will allow that there are trade-offs to be made between BV and PV, suggests that the criticism of non-utilitarian pluralist-value-maximizing consequentialism will now fail. Of course, the details of the nature and degree of the relevant trade-offs are not clear, but that is no objection to the general possibility of folding the additional ingredient of PV into a more general exercise of value aggregation or maximization.

To suggest that folding PV into a general calculus of value amounts to treating the bearers of value as if they do not matter as such seems mistaken; just as it would be mistaken to argue that combining the values associated with, say, welfare and equality, into some overall evaluation of a state of affairs by some process of aggregation which recognises relevant trade-offs amounts to treating welfare (or equality) as if they do not matter as such. The real issue is the specification of the method of aggregation and the extent to which it captures the true nature of the relationship between the identified values and the trade-offs amongst them.

Of course, it might be said that any form of aggregation that allows trade-offs across values blurs the distinction between values²³, but you cannot have it both ways - it would seem inconsistent to hold

²³ In the extreme case utilitarianism might be said not only to fail to take seriously the difference between individuals, by also to fail to take seriously the difference between values.

both that trade-offs between PV and BV are a general feature of the conservative disposition, and to deny that PV can, in principal, be accommodated within a pluralist value aggregation procedure.

2d What, if anything, stands in the way of incorporating conservatism into the domain of justice?

Cohen argues that the conservative disposition grounded on the recognition of particular value does not apply in cases relating to justice. This argument might take either, or both, of two forms. One line of argument starts from the idea that PV can only attach to valuable things, and then suggests that a state of injustice cannot meet this criterion:

“I do not have conservative views about matters of justice. Conservatives like me want to conserve that which has intrinsic value, and injustice lacks intrinsic value – and has, indeed, intrinsic disvalue.” Cohen 2011 p 204.

The second line of argument might be that in any process of trading off PV against other values including justice, the value of justice always (or almost always) takes priority over PV, as would be the case if the value of justice were lexically prior to PV:

“Of course, something that is unjust can also have value, and even in a fashion that is linked to the very thing that makes it unjust. But you can be both egalitarian and conservative by putting justice lexically prior to (other) value... I do not say that I am myself so uncompromising an egalitarian, so lexically projustice.” Cohen 2011 p224.

Note that the second quote seems to acknowledge the inadequacy of the line of argument summarised in the first quote. It is of course true that ‘injustice lacks intrinsic value’, just as the negation of any recognized value must, in itself, lack value, but this does not show that a state of affairs that involves at least some injustice cannot also embody value and, as the second quote recognizes, that these two facts can be tightly bound together. It might be that Kenora College (or All Souls) is less than perfectly just and that the proposed reforms might serve justice to some degree. In situations of this kind, justice and conservatism will pull in opposite directions. But if so, then any line of argument to the effect that conservatism *never* applies in matters of justice is surely untenable.

The second line of argument is, of course, perfectly tenable, but once again throws all of the strain on to the question of the relative weights of justice and PV in any particular case. If Cohen is not willing to commit to the lexical priority of justice, then the possibility of trade-offs between justice and PV is maintained. But this position must surely contradict the stated separation between conservatism and justice. Or to put the matter more positively, having recognized PV, and adopted the general position

of allowing trade-offs with other categories of value, Cohen seems to be required to accept that the conservative disposition may sometimes count against reforms that offer increased justice. Naturally, Cohen can maintain that the appropriate weightings of justice and PV should be such as to favour justice in most such cases, but since he explicitly resists the discussion of relative weights of values in any all-things-considered evaluation, he cannot offer any detailed argument in support of this claim.

In the last two sub-sections we have seen that the argument for the recognition of PV as a distinctively conservative value suffers from a number of problems surrounding the logic of the relationship between PV and other values. Both in terms of the relationship between PV and the possibility of forms of non-utilitarian pluralist value aggregation and more specifically in terms of the relationship between conservatism and justice, we have noted that Cohen's position seems to involve inconsistencies or otherwise be based on assertions about forms of value aggregation that are independent of the central idea of particular value. In order to focus on that central idea, and strip away issues of value aggregation, we now offer a reformulation of the central idea of a distinctively conservative value in terms of state-relative valuation.

2e A Reformulation: State-relative values and reasons

In offering a reformulation of the idea of a substantive nominal conservative value we draw on many aspects of Cohen's discussion, but we also seek to avoid some of the difficulties noted above. We begin, with Cohen, by recognizing that conservatives of this nominal type are necessarily pluralists; in Cohen's terms, as a minimum, they recognize both BV and PV. But unlike Cohen, we offer a structure that is compatible with (but does not require) non-utilitarian pluralist value aggregation, while still maintaining a clear distinction between the conservative and the non-conservative. This is achieved by introducing the idea of a 'state-relative value' or 'state-relative reason'. Just as an agent-relative value or reason is one that applies from the perspective of a specific agent, so a state-relative value or reason recognizes a specific state of affairs as the status quo and makes evaluation conditional on that status quo. The recognition of state-relative values or reasons is then capable of grounding a conservative status quo bias.

First, consider the standard notion of pluralist valuation. In comparing two states of affairs, A and B, we apply some basic valuation function $V(\cdot)$ which appropriately aggregates the various types of value (aesthetic, prudential, moral or whatever they may be) and incorporates whatever patterns of weights or lexical priorities is appropriate. In this way $V(\cdot)$ represents what Cohen might term the full basic value, BV, of each state. We may then compare the basic value of the two states by comparing

$V(A)$ and $V(B)$. We shall assume that this comparison is correlated with a reason for action insofar as $V(A) > V(B)$ is correlated with us having a reason to bring about (or conserve) state A when faced with a choice between A and B.²⁴ Notice that this standard evaluation procedure is intended to be impartial or state-neutral, so that it will reveal which, if either, of the two states is the more valuable regardless of which, if either, of the two states happens to be the status quo.

Now consider valuing A and B while recognizing that A is, as a matter of fact, the status quo – the actually existing state of affairs at the relevant moment in time. With Cohen, we suggest that this involves acknowledging that some additional value may attach to at least some characteristics of A (such as the recognition of the PV of certain bearers of BV that are present in state A). Such a state-relative value might be written $V|_A(.)$ where this is intended to be read as ‘the all-things-considered value of (.) conditional on recognizing A as the current status quo’.

To illustrate, we can return to Cohen’s example of Kenora College. Identify the status quo as a point in time at which Kenora is entirely undergraduate (UG) and the alternative as the postgraduate option (PG), then the example assumes that:

$$V(\text{UG}) < V(\text{PG})$$

That is, as we would say, in terms of state-neutral value, the postgraduate option offers somewhat greater basic value. The conservative response is then to point out that this state-neutral approach ignores a significant factor, which can be incorporated by shifting to a state-relative formulation recognizing UG as the status quo. On this basis it might be suggested that:

$$V|_{\text{UG}}(\text{UG}) > V|_{\text{UG}}(\text{PG})$$

There is nothing inconsistent about these two inequalities. They simply relate to two rather different valuation processes, taking different views about what should be included in the process of valuation. Importantly, we say nothing to distinguish between these two conceptions of full or all-things-considered value except that $V|_{\text{UG}}(.)$ is state-relative and so is capable of recognizing any value associated with the actual and current existence of particular things, while $V(.)$ is state-neutral and so incapable of such recognition. Beyond this, each is consistent with forms of value maximisation: each may or may not incorporate threshold effects, each may or may not involve lexical priority, and so on. In short the whole range of aggregation techniques is available in each case. The conservative, on this

²⁴ Note that we do not assume that the valuation function $V(.)$ necessarily generates a complete ordering over all states of the world, or that the partial ordering generated has any particular additional properties. Such details will depend, inter alia, on the specification of the relevant weights and priorities used in the aggregation of value, and need not concern us here.

view, is not committed to any specific or detailed view on the aggregation of values, but is committed to a view that it is state-relative values, which recognize the particular status quo, that are relevant.

To be clear, we think that the nominally conservative disposition that we describe here requires two commitments: first, the structural commitment to the use of state-specific valuation, so that if we are in state A, the normatively appropriate structure of evaluation is provided by $V|_A(\cdot)$ and not $V(\cdot)$; second the substantive evaluative claim that if $V(A) > 0$, then $V|_A(A) \geq V(A)$, which says that valuing state A from a recognition that state A is indeed the status quo typically reveals additional value overlooked by the state-neutral valuation of A. This second, substantive commitment makes explicit the fact that the conservative, on this view, must be committed to pluralist value aggregation in some form, without being committed to any specific pattern of aggregation.

This second, substantive evaluative claim also allows us to generalize the discussion in a way suggested by Cohen (2011, p220). We might identify a ‘radical’ as someone who values change for its own sake (that is, over and above the basic or state-neutral value that might be produced by the relevant change). On this basis, such radicalism can also be captured within a state-relative approach simply by reversing the substantive evaluative commitment so that $V|_A(A) < V(A)$, indicating that the status quo is systematically less valuable than it would appear in impartial or state-neutral terms. Both the conservative and the radical share a commitment to the structure of state-relative evaluation so as to be able to incorporate their very different substantive evaluations of the status quo.²⁵

The first, structural claim might be seen to drive a wedge between impartial evaluation and reasons for action by arguing that while impartial or state-neutral evaluations are clearly possible, they should not generally be seen as adequately representing reasons for action. Reasons for action, for the conservative, correlate with state-relative evaluations. To put the point in other words, while evaluation may legitimately be undertaken in a variety of ways, including both state-neutral and state-relative ways and, hypothetically, on the basis of some counterfactual identification of some alternative status quo, only evaluations based in the recognition of the actual status quo are truly normative and so correlate with genuine reasons for action.

²⁵ An alternative specification of the radical might be to say that $V|_A(B) \geq V(B)$, for all states of the world B that are distinct from A – that is, the radical would identify additional value relating to all states of the world that are **not** the status quo. For discussion of the radical/conservative contrast in the context of adjectival conservatism see Taylor 2013, Brennan and Hamlin 2013.

3. Personal Value

The idea of valuation from a specific position or perspective also provides an approach to Cohen's notion of personal value. The case of personal value is intended to contrast with the case of particular value and to provide an alternative basis for a nominal conservative disposition; while the two cases are categorically different, they are intended to be seen as complements rather than rivals.

If particular value can be caricatured as an attempt at providing an objective and impersonal reason for cherishing and protecting the existing bearers of value, personal value can be caricatured as respecting the subjective attachments of individuals to specific things. The conservative disposition grounded on personal value aims to protect those things that command such idiosyncratic attachments.

We might factor the distinction between personal and particular value, as outlined by Cohen, into two components: first that personal value is essentially subjective, second that personal value may attach to things that are of no basic value.²⁶ The second point is straightforward enough, it simply points out that individuals may be attached to objects regardless of the (basic) value that resides in those objects, and it is the attachment that counts here and not the object of the attachment. This is not to say that the attachment is groundless, just that the attachment is grounded in some feature of the object in question that is not directly associated with a basic value. The first point essentially argues that the agent-relative perspective is the appropriate one to take in making some evaluative assessments.

But we suggest that there is a third distinction to be drawn between personal value and particular value. While particular value as we understand it is indeed an additional type of value overlooked by non-conservatives, we think that personal value is not. We think that the case of personal value is actually an example of practical (rather than nominal) conservatism as we define those terms, since it amounts to an empirical claim about the way that commonly recognized values lie in the world, rather than the identification of an additional value.

Cohen's basic observation about personal value is that many, perhaps all, individuals derive significant value from their attachments to things (just as they derive significant value from their attachments to other people), whether the things involved are items that are privately owned (like Cohen's pencil eraser) or in the public domain (elements of what Cohen refers to as the "social and cultural landscape" 2011 p222), and whether we cash out the relevant idea of evaluation in terms of satisfaction, pleasure, well-being, utility or in some other way. An example might be provided by the claim that individuals value the conservation of certain areas of environmental interest (e.g.

²⁶ Cohen's example is a used pencil eraser which he owned for many years, Cohen 2011 p221.

wilderness areas) per se; that is simply on the basis of personal attachments.²⁷ We see no basis for disputing this, but neither do we see any reason to recognize the value derived from such attachments as a separate and distinctive type of value. Surely, such idiosyncratic attachments contribute to the standard values of individual satisfaction, pleasure, well-being, or utility.

Now, of course, if we view the value derived from personal attachments as one ingredient in personal satisfaction, pleasure, well-being or utility, we then face the issue of how this ingredient is to be combined with others. But there seems no reason to suggest that the satisfaction/pleasure/well-being/utility derived from personal attachment of the Cohen kind is a distinct value, any more than there is a reason to suggest that the satisfaction/pleasure/well-being/utility derived from any other particular source (eating chocolate, watching a movie, etc.) is a distinct value. If this is accepted, the real force of Cohen's comments on personal value is just to remind us that when we consider the value of satisfaction/pleasure/well-being/utility, we should take proper account of the subjective value of personal attachments. And if we do so, we will tend to reach decisions that conserve more things than would have been conserved if we had ignored or underestimated the value of personal attachments, since such attachments are overwhelmingly connected to things that exist.²⁸

Of course, to say that personal attachments contribute to some wider notion of satisfaction, pleasure, well-being or utility is not to say that the combination of this contribution is straightforward or that it takes any particular form. It might, for example, be that there are complex patterns of lexical priority within the aggregation of the various elements that combine to generate the wider notion. We do not accept, for example, that our view on the value of personal attachments forces us to some form of philistine utilitarianism in which we would be willing to give up our attachments (whether to things or to people) whenever circumstances dictate that a net marginal gain in overall satisfaction may be realised by so doing. Rather we think that in taking on significant attachments we are in effect taking on a disposition – a way of viewing the world and a mode of evaluation relative to that world. This is not the place to explore this understanding in detail,²⁹ but we do not think that treating personal attachments as specific forms of more general values presents a significant or novel problem.

²⁷ See footnote 7 above for references that might supply some 'argument' beyond personal attachment.

²⁸ At least this is true if we consider attachments to physical things, but individuals may also be attached to non-physical things including personal projects, political programs etc. and recognizing some of these attachments may not always ground a status quo bias. Nevertheless, it is an empirical question as to which attachments exist and whether or not they imply a status quo bias, and if they do the resultant conservatism will be practical in our terms.

²⁹ We have written on dispositions elsewhere see Brennan and Hamlin 2000, 2008, Hamlin 2006.

Nor do we deny (since we believe it to be true) that personal attachments are a source of significant elements of genuine conservatism. We fully agree that our attachment to actually existing things generate value and that this value provides a reason for the conservation of those things. Our point is simply that the form of conservatism underwritten by such personal attachments is very different from the form of conservatism underwritten by the discussion of particular value.

In this way, then, we see the discussion of the nature of personal attachments and their subjective value as being analogous to the discussion of the costs involved in overturning prevailing conventions: both concern the way in which values (and costs) are actually distributed in the world. Both may ground a practical conservatism in that both imply that careful, all-things-considered evaluation, conducted in terms of the widely-recognized values, will yield systematically more conservative results that would have emerged from an evaluation that overlooked the relevant facts. But neither makes the claim of a novel type of value.

4. Conclusion

We began by identifying three classes of conservatism, distinguished by their relationship with values: adjectival conservatism formalises a distinctively conservative attitude to widely recognized values; practical conservatism formalises an empirical claim about the nature and distribution of values in the world that supports general conservative action; nominal conservatism formalises and identifies a distinctively conservative value, one that is overlooked by non-conservatives. Our focus has been on the possibility of a genuine nominal conservatism.

Through a detailed discussion of Cohen's recent attempt at rescuing aspects of conservatism, we have argued that his notion of particular value contains the basis for a genuine nominal conservatism, once it has been separated from some inessential and dubious arguments about value aggregation and, in particular, about the relationship between conservatism and justice. We have offered a reformulated version of what we take to be a genuine nominal conservatism in terms of state-relative valuation. On this formulation, the nominal conservative is committed to two propositions: first that the normatively appropriate structure of valuation is state-relative rather than state-neutral, so that the distinctive status of the status quo is recognized within the process of evaluation; second that the state-relative valuation of the status quo is systematically higher than the state-neutral valuation of the same state.

This formulation of conservatism recognizes the status quo, and that there is a category of value associated with the continued existence of things, and thereby generates the status quo bias that is a key characteristic of conservatism.

By contrast, we have suggested that the second element of Cohen's attempt at rescuing aspects of conservatism - the idea of personal value – does not provide grounds for a nominal conservatism but is instead an example of what we have termed practical conservatism, since it is essentially a claim about the actual distribution of more generally recognised values in the world. Practical conservatism, to the extent that its claims about the way values lie in the world are true, is not a matter of recognising a distinctively conservative value. Any pluralist value maximizer who is convinced by the factual claims relating to personal values could easily take these claims into account. It is in this sense that the practical conservative is markedly different from the nominal conservative. We readily admit that our suggestion here is preliminary and that the general topic of practical conservatism, and its relation with personal value and other values, requires further analysis.

Cohen not only discusses forms of conservatism but advocates them. We do not entirely follow him in this respect - specifically in relation to the form of nominal conservatism that we identify. Our interest is in providing a relatively detailed analytic account of a variety of forms of conservatism and, in this case, nominal conservatism, rather than in advocating any particular form. While we see the state-relative conservative posture outlined above as a genuine example of a logically tenable nominal conservative disposition, we see nothing that implies that it is the 'correct' disposition to adopt. In particular, we would suggest that the state-relative radical posture mentioned above is also a logically tenable disposition, as is the state-neutral posture that adopts an evaluative stance that is independent of the status quo.³⁰ It is, we think, possible to formulate nominal conservatism in a neat and analytically tractable form that captures the essence of Cohen's position, but that does not provide any real argument for its adoption. By separating out the defining aspects of nominal conservatism from the issues surrounding value aggregation and the relationship between conservatism and justice, we hope to have achieved a degree of clarity and the basis for further analysis of conservatism and its implications.

As a final point we return to the distinction between certainty and uncertainty, and to the somewhat related distinction between nominal and adjectival conservatism. We have already said that much traditional conservative argument relates directly or indirectly to cases of uncertainty and can be understood as examples of adjectival conservatism since the conservatism reflects an attitude to the realisation of value under conditions of uncertainty rather than the identification of a genuinely distinctively conservative value. The status quo seems to claim an epistemic advantage over all unrealised alternatives; its existence seems to provide a form of certainty. And it is difficult to suppress

³⁰ Indeed, it seems entirely plausible to suggest that at least some individuals will be nominal conservatives with respect to some aspects of the status quo, nominal radicals with respect to other aspects of the status quo, and nominal neutrals with respect to still other aspects of the status quo. Such complex dispositional states are, we believe, entirely consistent with the analysis in terms of state-relative evaluation.

the sense that all change is risky. Of course, one might respond that the status quo is risky too, and this is undoubtedly true, but nevertheless the epistemic salience of what exists seems both powerful and widespread. So, can we be sure that our formulation of state-relative evaluation as a form of nominal conservatism is anything more than a way of smuggling the epistemic salience of the status quo in through the backdoor? Is the claim that an existing valuable thing carries additional particular value merely a way of labelling the value of that epistemic salience and so disguising the underlying attitude to uncertainty? Does the particular value of Kenora College, All Souls or some extant valuable painting, as they are, depend on the doubt that schemes for improvement may simply destroy and the promised improvements turn out to be illusory? Formally, it seems clear that we can distinguish between the adjectival and nominal forms of conservatism in the way outlined in this paper: the conceptual distinction seems both clear and robust. But given the ubiquity of uncertainty in the world as we know it, the precise source of any conservative sensibility in a specific case may be difficult to locate.

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