

Renewing the conversation

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In the aftermath of the recent London bombings, many public figures including the Prime Minister have declared how vital it is to preserve our 'way of life', our 'culture' or our 'values'. In fighting against terrorism, however, what are we fighting for exactly? If Conservatives can answer this question, they will have gone a long way towards setting out a distinctively Conservative vision for society, and so a political direction for themselves as a party.

One can address this topic, albeit obliquely, by reconsidering a neglected line of thought to be found in the work of the political philosopher Michael Oakeshott. Following Oakeshott, we can distinguish between two rival conceptions of the state. The first is that of the civil state, and sees the state as an association of citizens – that is, of individuals who are formally equal in their rights before the law. As citizens, they are united not by any common purpose or plan but in a shared recognition of a system of rules, and of a single civil authority standing behind those rules.

Compare this view, by contrast, to the state conceived as an enterprise or undertaking in and of itself – not merely as capitalist, or business-friendly, but as a project in its own right. In this case, individuals are not viewed as citizens. Rather, they are seen as contributors to a common undertaking, who come together to promote a recognised set of substantive goals – such as national prosperity, industrial productivity, or cultural or religious unity.

Naturally, each state has rules that constrain its activities, on pain of ungovernability. Yet the nature of the rules is radically different in each case. In a civil state, the rules will tend to be

procedural, universal and categorical. The function of government is, on this view, not to do anything as such, it is just to govern. The state has no goals or projects of its own, over and above those of the individuals or groups being governed. Rather, it exists to devise, promulgate and enforce laws by which people may go about their private business in an orderly and secure way; and these laws will themselves thus be enabling and non-instrumental, rather than oriented towards specific social or political ends.

In an enterprise state, on the other hand, the function of government is precisely to achieve certain social, political, religious or other objectives. It can never be content merely to govern – it is, as it were, ambitious. The rules in such a state will thus tend to be purposive, managerial, specific and instrumental in character. Government in an enterprise state can never rest easy, for nothing is ever as good as it could be, and so there will always appear to be scope for government action to improve it. If poverty or economic underperformance or crime exists, it is but a short step for government to be given the task of improving the situation.

These two conceptions are idealised, of course. Neither is, nor ever could be, exemplified in its pure form, and so every actual state has elements or aspects of each. They are, however, distinct, indeed formally exclusive of each other: one is organised under the category of procedure, the other under that of purpose. In short, the two are rivals, struggling over the soul of a given state, forever pulling it in the directions of self-restraint or ambition as each gains or loses the upper hand, in an essential tension.

We can readily see both conceptions at work in the history of British government: the civil state in such things as Magna Carta, due process, and voting rules; the enterprise state in Great Britain Plc, the No. 10 Downing Street 'Delivery Unit', five year plans, public service targets, and the national bid to host the Olympic Games in London.

So why does this distinction matter? First, a factual observation. It will be obvious by now that Britain is increasingly an enterprise state, and not a civil one. Those in authority have never been indifferent to people's economic or social well-being, of course. But for the state itself to be used as economic

engine, safety net or service provider is a modern, and specifically 20th Century, innovation. Many would argue that this is a natural political response to factors ranging from the extension of the franchise, through improved communications and greater social awareness, to concern at economic competition. If Great Britain Plc is not well run, with all its resources deployed and its productivity annually increasing, then how can our prosperity be maintained?

But this cheery managerialism has a deep drawback, for the growth of the enterprise state tends always to abridge our freedom before the law. Recall that the enterprise view is one that judges people, not as citizens, but by their contributions to some overarching corporate goal. In such a state, the interests of citizens are always subordinate to the overall project of the state itself. The best citizen is, thus, not a citizen at all, but a Stakhanov: a star worker, a star entrepreneur, or parent, saver, taxpayer. Formal equality is thus replaced by a social metric assessing people by their contributions to the corporate whole; and, often, by a strand of public moralising that seeks to justify these assessments.

Taken to its furthest logical limit, the enterprise state thus results in a kind of fascism, in which all private interests are subordinated to those of the state itself. We can see this in Mussolini's infamous slogan *'Tutto nello Stato, niente al di fuori dello Stato, nulla contra lo Stato'* ('everything in the state, nothing outside the state, nothing against the state'). Or take a perhaps still more notorious example, Hitler's *'ein Volk, ein Reich, ein Führer'* ('one people, one regime, one leader'). This was not merely a call for Germans to associate themselves with a national project incarnated in the leader's own person; it was also a tacit invitation to ignore intermediate institutions or obstructing laws in so doing.

Now the contrast between civil and enterprise is especially relevant to a nation's decision to go to war. For what is war, at root? It is a massive gathering of energies, with the common goal of repelling, subduing or conquering an enemy. This is, of its essence, an enterprise. After a war, the machinery of wartime administration is rarely if ever fully demobilised. And so the decision to go to war generally entails, at the very deepest level, a further, and long-term, move along the spectrum already identified.

In a 'war' on terrorism, something subtly different is taking place. The rhetoric of war preserves a tacit presumption of supreme collective effort, and of the suspension of normal constitutional arrangements. Yet with global terrorism, as the cliché goes, there is no theatre of conflict as such, no single command and control structure, no readily identifiable enemy, no obvious end of hostilities. Virtually anything can be a target – think of Beslan – and anyone a foe, and it is in the nature of the 'privatized' terrorism of today that at any given time the true scale of the threat, real or imagined, can never be known.

Yet here again Oakeshott's distinction can help us. First, because we can understand terrorist groups themselves as enterprise associations of a particularly vicious and utopian variety, heedless of the interests and well-being of their members in pursuit of their ultimate goals. And secondly, because it sensitises us to the value of our freedoms as private citizens. One might think that if anything can be a target, the role of the state in protecting its citizens would be a somewhat limited one. Yet faced with unquantifiable terrorist threats, the default response today is to call for more government: more surveillance, more detention of private individuals, more state secrecy. The effect of a war on terrorism is, thus, to institutionalise a targeted country on a 'war' footing, for an extended period, against an undefined threat. It is precisely at such moments that our sensitivity to civil procedure, to constitutional safeguards, and to the basic rights of each citizen as a citizen, should be at its greatest.

Winston Churchill memorably recognized this when he said, on November 21, 1943:

The power of the Executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgement of his peers, is in the highest degree odious and is the foundation of all totalitarian government whether Nazi or Communist [...]

Extraordinary power assumed by the Executive should be yielded up when the emergency declines. Nothing is more abhorrent than to imprison a person or keep him in prison because he is unpopular. This is really the test of civilisation.

Now to politics. Why might Churchill take violations of civil

rights – even at the height of war – as the real test of civilisation? And what does this line of thought imply for Conservatives reflecting on the state of Britain and British society?

Most notably, it gives point and purpose to the Conservative critique of government interference and micro-management. Our majoritarian model of democracy has historically accorded huge powers to the executive. Over many years, these have been increasingly centralised in Whitehall, away from competing sources of power, notably in local government. At the same time, many of the constitutional safeguards in law and custom that have traditionally legitimated such power have been eroded. Moreover, the general public does not seem willing to note and hold government to account for these changes. On the contrary, it appears less willing either to defer to established authority or – single issue politics apart – to engage in the political process itself.

Within this context, the effect of the Blair/Brown years so far has been, without any doubt, to push the ratchet several further notches over towards an enterprise state. The issue here is not so much the size of the state *per se* or the amount of GDP consumed in taxes, important though these things are. Rather, it concerns the degree to which the state has pervaded the lives, the goals and the motivations of ordinary people. Think of tax credits, which now offer state financial support at the margin for those on three times average income; of pension credit, for which over half of all pensioners will soon be eligible; or of the Home Office's reported plan to target some children

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Over the past eight years, Conservatives have had to take cold comfort from Mr Blair's committed occupancy of the centre-right in British politics, and Mr Brown's unwillingness to tamper with the structural economic reforms of the Thatcher years. Labour has lost, if not yet power, then at least the intellectual argument. But no-one can properly take comfort from this government's continuing, unselfconscious and often utopian extension of state influence over the lives of its citizens.

Nevertheless, if it is not to seem merely partisan, such a critique can only have force in the context of a positive view of British society. Here again, however, I suggest Oakeshott has a persuasive answer: we should think of a society, and specifically of British society, as embodying a distinctive kind of conversation. By this, he means we should recognise it as composed of different traditions, each of which has its own special 'voice' – the voices of science, of business, of religion, of the law, of education, or of the arts, to take only some leading examples. In a conversation, each voice has its own character, yet each must speak in common terms to others if it is to be understood, to move, to persuade, or to command. How they develop, how they play into each other, and how they are heard by different people will determine the character of the conversation as a whole.

The conversational metaphor is a pregnant one, for three reasons. First, any conversation demands a context of mutual respect and order, in short of civility – this is a basic rule of conduct between citizens dealing with each other under the rule of law. In any conversation, all voices have their place; and though they may be ignored once speaking, none is to be forbidden in advance from speaking at all. All are, in effect, regarded as autonomous and individual. Secondly, a vibrant conversation is one whose voices are diverse, mature, self-confident and independent; in short, the voices of citizens, able to examine authority, to question it, and to hold it to account. Thirdly, it is a distinctively European achievement to have first developed the canonical institutions – such as the nation state, the rights of individuals as citizens to speak and associate freely, the marketplace, the political forum – through and between which our cultural conversation takes place, and from which it continues

to spread out into the world. And it is this insistence on the acknowledgement of civil authority expressed through the rule of law that specifically differentiates the European tradition from, for example, the Islamic one, in which the demands of law and religion are not merely coextensive and self-reinforcing, but actually identified with each other.

As in conversation, so in a society. When we fight terrorism, to return to my starting question, it is this for which we are fighting. Understanding society as a kind of conversation, however, may strike the reader as fanciful and speculative. On the contrary, I suggest it can be the basis for a vigorous and coherent new Conservatism.

First, the idea of conversation locates the Conservative critique of Labour in exactly the right place. The present government is characterised by a default instinct to extend the powers of the state over the lives of its citizens. In conversational terms, one might think this the analogue of the domineering bore at the table, whose loudness overwhelms the talk of others. A better parallel is that of the patriarch, in whose unspeaking presence others feel robbed of air and automatically fall silent. Similarly, the extension of the state, whatever its short-term attractions, tends to undermine the voices, the energy and the creativity of its citizens. If it is hard to see this now, in part that may be because we have lost sight of how rich and fulfilled all human life has the potential to be.

Second, the idea of conversation can guide us to the right way forward: to trust people, to invest in their virtues and not their faults, and to support and extend the institutions that carry on our distinct traditions as a nation. Indeed, the fundamental theme of respect for individuals as citizens suggests three, rather broad-brush principles for political action:

1. individuals, as citizens, should enjoy a default presumption against state intervention in their lives;
2. where there must be state intervention, political decisions should be taken close to the people they affect; and
3. those taking such decisions should be clearly capable of being held accountable by the citizenry for their actions.

These principles are hardly radical; indeed, they may seem to be just motherhood and apple pie. But they have many policy

implications. With the overarching idea of conversation in mind, let me sketch three specific areas in which Conservatives can act on them:

Enfranchise our universities: Tuition fees notwithstanding, British universities are, with one exception, now reliant on the state. The result is, inevitably, a culture of deference to government, unending paperwork and an increasing view of universities within government as educational factories targeted at short-term social and industrial objectives, rather than as free-standing institutions of higher learning.

Conservatives should free our universities from state interference. The idea of an Access Regulator should be discarded and further steps taken to guarantee the complete political neutrality of government research grant making. Consultative plans should be developed by which universities can apply to become independent over a ten- or fifteen-year period with state financial bridging funds, in return for commitments to ensure open access and needs-blind admissions.

Make charitable gifts fully tax-deductible: It is widely held that the UK needs to encourage a greater culture of public service, and private philanthropy can be an important part of this. Where there is a crowding-out effect on private giving by state grant making, the role of the state should be reconsidered, here as elsewhere. But the single step that would achieve most would be to make charitable gifts fully tax-deductible. The present system of Gift Aid is a useful first step, but it is unnecessarily small scale, piecemeal and bureaucratic. It should be replaced by a system in which qualifying charitable donations can be used to write down taxable income by some or all of their value at the end of the tax year.

This would reduce or even remove entirely state involvement in private charitable giving, and flag a public recognition of the not-for-profit sector; it would provide a major incentive to donors to give more; and it would send a clear signal that the active personal involvement of all people in public service and so in mutual support of each other is an expectation on them as citizens, and a crucial means by which they can create value for society as a whole.

Support local government: Local government is as ancient as central government in Great Britain, whose origins date back

to the 11th Century. Today, however, it is the creature of our constitutionally unitary state. As a result of decades of centralisation, only 4% of taxation is raised locally, and 75% of local spending is funded from the centre.⁵⁸ The result in many places is, again, a culture of deference to central government, low levels of popular civil engagement, and little diversity or innovation.

Conservatives should act to enfranchise local government. The tax burden should be rebalanced away from the centre and towards local government; rate capping should be removed; control over business rates should be given back to local authorities; and discretionary taxes (such as Green taxes, or congestion charges) should be made exempt from equalisation by central government, so that local authorities can keep the full benefits of them. Ideally, once these arrangements have been allowed to bed down successfully, some means would also be found to give constitutional backing, and so a secure long-term basis in law, to the new settlement.

These are just three areas in which Conservatives can give citizens their voice, and so strengthen our civil society. But there is one final thought to be drawn out from the idea of conversation. This is simply to remind ourselves of the importance of civility itself as a value in public debate. Conceived as it has been here, a conservative voice is naturally civil; it recognises the right of others to speak; it is confident in its views, and acknowledges what is of value in those of others; it is persuasive, not overbearing; it is restrained in its criticism, and it does not leap to judgement. For Conservatives to find this voice again, as a party, would by itself be a significant, and hugely popular, achievement.

⁵⁸ *Local government finance in England*, ODPM 2003.