

The Open Society From a Conservative Perspective *

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Introduction

Given the rise in popularity of openly illiberal politics, both in political systems and in theoretical discussions, it is of pressing importance to articulate a positive conservative view of the classical liberal idea of the open society. This chapter aims to offer just such an articulation, focusing on the need to balance freedom—especially individual freedom—and openness with the trust required for the preservation of social integrity. I shall argue that conservatism is not against openness and change; it is concerned with the social conditions—chiefly solidarity, continuity, and trust—that must be kept in place if those things are to be possible. The danger in liberal individualism, to which the current “illiberal” turn is a reaction, is that it sees any constraint of individual freedom as unjustified, until proven to be necessary. By shifting the onus of proof constantly in favor of the individual, liberalism jeopardizes the trust on which liberal policies and the very possibility of an “open” society ultimately depend.

First, a bit of context. The idea of the “open society” was introduced by the French philosopher Henri Bergson (Bergson 1932), with a view to contrasting two ways of creating social cohesion: the magical and the rational. Magical thinking involves the submission to mystical forces that must be appeased and obeyed, and societies founded on magic are closed to innovation and experiment, since these threaten the dark powers that govern human destiny. Rational thinking, by contrast, involves exploring the world with a view to discovering the real laws of nature, and exerting ourselves to find reasoned solutions to our social and political problems. Rational thinking leads to an open society, in which differences of opinion and lifestyle are accepted as contributions to the collective wellbeing.

The distinction was taken up by Sir Karl Popper who, writing in the wake of World War II, saw totalitarianism, whether of the fascist or the communist variety, as a return to magical ways of thinking and to a society based on fear and obedience rather than free rational choice (Popper 1962). For Popper following Bergson, magical thinking has persisted in new forms, and intellectuals—those who live by their reasoning powers—had been in part responsible for this. Thus, in his account, the real enemies of the open society were those thinkers, Plato, Hegel, and Marx in particular, who—at least on Popper’s view of them—had advocated submission to the collective, rather than individual freedom, as the goal of politics. Such thinkers, Popper argued, failed to see that without individual freedom, reason has no purchase in human affairs. To Popper’s mind, thinking through the cataclysm of the mid-20th century and at the dawn of the cold war, the worst of the gods that European intellectuals (following the lead of Hegel and Marx) had superstitiously imposed on us, in order to perpetuate our submission, has been history itself. Thus, Popper argues, historicism proselytized a fatalism just as inexorable and dogmatic as that of traditional and fundamentalist religion. The hecatombs of sacrificial victims went to their death, under the fascist and communist regimes, because ‘history’ required it.

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Both the thesis Popper advanced concerning totalitarian tendencies in the history of Western thought and the vehemence with which he pursued that thesis can be and have been criticized by the political right (see, for instance, Bialas 2019). Nevertheless, we cannot deny that the issues to which Popper referred are still very much alive, even if they have taken on a new form. We are still besieged by the idea that history is a force to which we must submit, and that attempts to resist it—whether in the name of freedom, or in the name of tradition—will always be futile. But the superstitious submission to history is now more commonly associated with those who call themselves liberals than with Marxists or nationalists. In particular, many who advocate for the open society tell us that globalization is inevitable and that with it comes new forms of transnational government, new attitudes to borders, migration and governance, and new ideas of civil society and legal order. The message coming down to us from many of those who propose themselves as our political leaders has been ‘globalization is the future, it is inevitable, and we are in charge of it’—the same contradiction that was announced by the advocates of totalitarian political systems. (For if it is inevitable, nobody can really be in charge.) But is it inevitable? Is it really compatible with the open society? In one sense, then, Popper’s conception of the open society derives from Bergson and the quest to purify 20th-century European thought and society of lingering traces of magical thinking and their pernicious political consequences. But the Open Society is also a recent manifestation of a far older idea, namely that of liberal individualism as this took shape during the Enlightenment. Followers of John Locke saw legitimacy as arising from the sovereignty of the individual. Free individuals confer legitimacy on government through their consent to it, and the consent is registered in a contract in which no individual has an actually operative veto. The result is a reasonable and reasoning form of government since it draws on individual rational choice for its legitimacy. In such an arrangement, individual freedom is both the foundation and the goal of politics, and the resulting society is open in the sense that nobody is in a position to impose opinions or standards of conduct unless the people can be persuaded to accept them. There will be dissenters of course, but an open society shows itself by nothing so much as by its attitude to the dissenter, whose voice is allowed in the political process, and whose freedom to express dissenting opinions is protected by the state. This idea underlies Popper’s vision, and it is an idea of perennial appeal. However, it is open to an objection, made vividly by Hegel, whose writings on political philosophy Popper seems will fully to have misunderstood.

The objection is this: freely choosing individuals, able to sign up to contracts and to accept responsibility for their agreements, do not exist in the state of nature. Popper himself acknowledges that magical ways of thinking, submission to dark forces and the desire to appease them, define the original position from which we humans must free ourselves. We become free individuals by a process of emancipation and this process is a social process, dependent on our interactions with others, and on the mutual accountability that shapes each of us as a self-choosing ‘I.’ The free individual is the product of a specific kind of social order, and the constraints necessary to perpetuate that order are therefore necessary to our freedom. If openness means freedom, then freedom cannot be extended so far as to unsettle the social order that produces it. But then the advocate of freedom must be an advocate of that kind of social order, and this means thinking in terms of something other than openness. We need to know what kinds of constraints are required by a free society and how far we can allow them to be eroded. As I see it, that defines the agenda of conservatism, from its foundation in the philosophy of Thomas Hobbes, through Burke, Smith, and Hegel to its frail and beleaguered advocates today.

Enlightenment

For some Enlightenment thinkers, individual freedom makes sense only in the context of a universal morality. Individual freedoms and universal values sustain each other, and are two sides of a coin. Such is the position advocated by Kant, in his theory of the categorical imperative. Morality, according to Kant, stems from our shared nature as rational agents, each of whom is governed by the same collection of imperatives. Humanity and free rational agency are ultimately the same idea, and to be human is to live under the sanction of the moral

law, which tells us to will the maxims of our actions as universal laws, and to treat humanity always as an end in itself, and never as a means only.

The moral law, in Kant's view, follows immediately from the fact that we are free, in the sense of being guided by our own reason, independently of any threats or rewards that might be waved in front of us. This condition—which he described as the autonomy of the will—can be over-ridden by tyrants, but never destroyed. Even if we are constrained to do what the moral law forbids, we will inevitably know that we are doing wrong. A regime that maintains it-self in being by threats therefore violates what for Kant was the basic condition of legitimate order, which is that rational beings, consulting their reason alone, would consent to it.

There are many complexities and subtleties involved in spelling out that position. But it has lost none of its appeal, and is the best argument ever produced for the very idea of human rights—the notion that there are universal rights which serve as a shield behind which we can all exercise the sovereignty over our lives that reason itself requires of us, and in doing so express and act out our consent to the political regime under which we live. Rights are equal and universal, and are the way in which the sovereignty of the individual is fitted into the same slot, as it were, as the sovereignty of the state.

Few doubt the importance of this idea, and all that it has inspired by way of constitution building. It is the foundation stone of the liberal order. For Pop-per, as for many others, it is the way to release reason into the community, and to produce a society open to innovation and experiment. But we should not neglect the difficulties associated with the human rights idea, of which two, in particular, stand out as especially relevant to the times in which we live. First, what exactly are our rights, and what prevents people from claiming as a right what they happen to want, regardless of the effect on the common good? Second, what are our duties, and to whom or to what are they owed?

The American Declaration of Independence told us that all human beings are endowed by their Creator with certain inalienable rights, including Life, Liberty, and the Pursuit of Happiness. That relatively innocuous summary leaves open as many questions as it answers, and when Eleanor Roosevelt set out to draft the UN Universal Declaration of Human Rights (1948), the list began to grow in ways that the American founders might very well have questioned, in particular the expansion from basic political and civic rights to embrace what have come to be called social and cultural rights. Human rights, which began life as fundamental freedoms, came to include elaborate claims to health, work, security, family life, and so on, which are available only if someone is prepared to provide them. Rights, initially conceived as a limitation to the power of the state, thus became a way of increasing state power, to the point where the state, as guardian and provider, occupies more and more of the space once allocated to the free acts of individuals. We have seen this process of 'rights inflation' everywhere in the post-war world, and much of it issues either from declarations such as that of the UN, or from the national or international courts established to adjudicate their application.

The expansion of rights goes hand in hand with a contraction in duties. The universalist vision of the Enlightenment, as classically presented in Kant, conceives duties as owed indifferently to all mankind. We have a general duty to do good, the beneficiaries of which are not bound to us by specific obligations but are simply equal petitioners for a benefit that cannot in fact be distributed to them all. No particular person comes before us as the irreplaceable object of our concern: all are equal, and none has an over-riding claim. In such circumstances, I can be easily forgiven if I neglect them all, being unable to fulfill a duty that will in any case make little difference to the net sum of human suffering.

If you look at recent literature on ethics stemming from thinkers such as Peter Singer (2019) and Derek Parfit (2013–17), you will get a fairly clear idea of what this Enlightenment morality has come to mean today: futile calculations of cost and benefit, from which all real human feeling and all lively sense of obligation and moral ties have been removed. Unless you have the good fortune to be switching the points in the path of a runaway railway trolley, giving to Oxfam is about all the moral life amounts to.

It should be said that Kant's own position by no means tends in that direction. For Kant, the fundamental moral concept was not right but duty. The free being is bound by the moral law, which imposes the duty to treat humanity always as an end in itself, and never as a means only. If there are universal rights, this is simply

a consequence of the fact that there are universal duties: notably, the duty to respect each other as sovereign individuals, to tell the truth, and to keep our promises. As Onora O’Neill (1993, 2005) has persuasively argued, for a Kantian moral outlook, there is a necessary balance between rights and duties and an obligation to clearly cognize our specific moral ties, or at least to reflectively seek a path toward such a cognition and act on it. But without the underlying meta-physics, it is difficult to see how today’s muddled version of the Enlightenment vision of the moral life will lead to anything other than enhanced claims for me, accompanied by reduced duties to you (Korsgaard 1996).

A Misconception

That imbalance can be observed in a radical misconception that seems to lie at the heart of much liberal politics in our day. The view adopted by many advocates of the open society is that Enlightenment universalism, once adopted, will replace all other social ties, providing a sufficient basis on which individuals can live together in mutual respect. Moreover, this replacement ought to occur, since universalist values are ultimately incompatible with those historical loyalties and rooted attachments that cause people to discriminate between those who are entitled to the benefits of social inclusion and those who are not. Enlightenment universalism requires us to live in an open and borderless cosmopolis, from which all forms of traditional obedience—whether tribal, national, or religious—are marginalized or banished.

This misconception results from identifying what is in fact a rare achievement, involving extensive trial and sacrifice, as the default position of human-ity. Only take away the exclusive loyalties, it is supposed, and people will revert of their own accord to the universal values, having no particularist code to distract them. We saw the effect of this misconception in the so-called ‘Arab spring,’ when the Western powers acted on the assumption that we need only remove the tyrant, and democratic politics will emerge from beneath him, as the default position of any modern society. But the default position is neither democracy nor any other system expressive of Enlightenment individualism. As Ruth Wodak (2015) has argued, the default position in response to this is fear, and I would hasten to add, this is indeed a justified fear. For fear in the face of adversity and uncertainty is proper to creatures living side by side with the most dangerous of all existing animals. Hence, people flee toward the next offer of security, often provided by the army and/or a strongman leader since that is what armies are for (Chatterjee and Katznelson 2012).

Loyalty and Trust

Human beings have a primary need to trust those among whom they live, and to be settled side by side with them in a shared experience of belonging. Trust grows in small units like the family, in which the members experience each other’s wellbeing as their own. But family-based communities are unstable, riven by the all-too-apparent contrast between the unbreakable trust that unites me to my family and the defeasible obligations that I acknowledge toward families other than mine. Under pressure, such communities break down along family lines, with vendettas of the Montague and Capulet kind. In general, kinship loyalties are more likely to sustain closed than open societies since each family holds its loyalty close to its chest.

Trust in an open society must extend to strangers: only then will it provide the foundation for an outgoing and experimental experience of belonging, one that guarantees free deals and consensual arrangements and which will not be undermined by favoritism and family ties. The question we need to ask ourselves is how trust between strangers arises, and what maintains it in the absence of personal affection or shared commitments? Trust, like affection, cannot be commanded. (‘Trust me!’ is not a command but an undertaking.) Trust extended to strangers is what enables people in a large modern society, referring to their neighbors, their countrymen, and their fellow citizens, to say ‘we’ and to mean it—to mean it as an expression of obligation and not just of fate. It is important to recognize that most of us in Western democracies are living under a government of which

we don't approve. We accept to be ruled by laws and decisions made by politicians with whom we disagree, and whom we often deeply dislike. How is that possible? Why don't democracies regularly collapse, as people refuse to be governed by those they never voted for? Clearly, a modern democracy must be held together by something stronger than party politics. As thinkers as ideologically variant as Francis Fukuyama (2018) and Jürgen Habermas (2001) have argued, there must be some sort of "civic" nationalism, a 'first-person plural' identity and a pre-political loyalty, that causes neighbors who voted in opposing ways to treat each other as fellow citizens, for whom the government is not 'mine' or 'yours' but 'ours,' whether or not we approve of it. This first-person plural varies in strength, from fierce attachment in wartime, to casual acceptance on a Monday morning at work. But at some level, it must be assumed if we are to accept a shared form of government.

A country's stability is enhanced by economic growth. But it depends far more upon the sense that we belong together, and that we will stand by each other during the real emergencies. Trust of this kind depends on customs and institutions that foster collective decisions in response to the problems of the day. It is the sine qua non of enduring peace, and the greatest asset of any people that possesses it, as the British have possessed it throughout the enormous changes that gave rise to the modern world. Whether the Hungarians possess it, after the disasters of Nazi and Soviet occupation, and all that has flowed from the Treaty of Trianon, is a real question today, and one that I am not competent to answer. But the evidence is that the Hungarian 'we' is just as strong, and just as full of conflicts and tensions as the British.

People acquire trust in different ways. Urban elites build trust through career moves, joint projects, and cooperation across borders. Like the aristocrats of old, they often form networks without reference to national boundaries. They do not, on the whole, depend upon a particular place, a particular faith, or a particular routine for their sense of membership, and in the immediate circumstances of modern life, they can adapt to globalization without too much difficulty. However, even in modern conditions, this urban elite depends upon others who do not belong to it: the farmers, manufacturers, factory workers, builders, clothiers, mechanics, nurses, carers, cleaners, cooks, policemen, and soldiers for whom attachment to a place and its customs is implicit in all that they do. In a question that touches on identity, these people will very likely feel differently from the urban elite, on whom they depend, in turn, for government.

Hence, the word 'we' in this context does not always embrace the same group of people or the same networks of association. David Goodhart (2017) has presented a dichotomy between the 'anywheres' and the 'somewheres': those who can take their business, their relations, and their networks from place to place without detriment, and those for whom a specific place and its indigenous lifestyle are woven into their social being. These two kinds of people will be pulled in different directions when asked to define the real ground of their political allegiance. This fact is beginning to cause radical problems all across Europe, as the question of identity moves to the center of the political stage.

Liberal individualism grants to each of us a great benefit: sovereignty over our lives, and a shield of rights in the face of all who seek to take that sovereignty away. But it also imposes on us a great burden, which is life among others who enjoy the same benefit, and who may very well use their sovereignty to our disadvantage. And because liberal individualism expands freedom and opportunities, it also amplifies society, bringing in more and more people who do not know each other personally, but who nevertheless want to sign up to the deal. Why and how should we trust them? To that question, liberal individualism gives no persuasive answer.

Forms of Belonging

In a religious community, people are bound together by a shared faith, and by traditions and customs that express the faith and are in some way authorized by it. The history of modern Europe is the history of our emancipation from that kind of community. Not that we have turned away from religion (though some people certainly have) but that we have privatized it, removed it from the foundations of our public life, and brought it into the house, as, classically, Jews have learned to do. In communities founded on religious obedience,

such as Calvin's Geneva, the fear and hatred of the heretic will, in any emergency, destabilize loyalties. Like Muhammad's Medina, Calvin's Geneva made no distinction between secular and religious authority, and for both Muslims and Calvinists, the move toward purely secular government has been an uphill struggle, and also something that Islam, in some of its versions, actually forbids.

Whatever we think about the Enlightenment, a glance at 17th-century Europe prior to the Peace of Westphalia, and at the Islamic world today, must surely give credence to the opinion that a modern society needs another kind of first-person plural than that provided by religion. And down the centuries, people have always been aware of this. It is why religious communities morph into dynasties or military dictatorships. Those are the real default positions, and vestiges of them remain wherever religion is in retreat from its formerly dominant position.

The religious first-person plural should not be contrasted with those default positions but rather with the first-person plural that we in Western societies enjoy: the 'we' of political order. The American constitution was issued in the name of 'we the people'—i.e. of people bound together by political obligations in a place that they share. Any advocacy of the open society must begin from this conception, which is the sine qua non of open dealings. In summary, the 'we' of political order arises in the following conditions:

- There is an inclusive political process, i.e. one in which we all participate in one way or another, and which therefore legislates by consensus building, negotiation, and compromise.
- There are rules determining who is and who is not a member of the first-person plural: anyone who seeks the benefit of membership must also assume the cost.
- The cost includes that of belonging to a community of trust, which, in turn, involves acquiring the attributes that enable trust, such as a willingness to learn the language, to work, to put down roots, and to adopt the surrounding public culture.

Those conditions suggest that, under the bargain of secular authority and individual autonomy, political order rests on a pre-political identity, in which neighborhood rather than religion has become the foundation of belonging. This pre-political identity puts territory, residence, and secular law before religion, family, and tribe. And it is what makes true citizenship possible, as those who assume the burden of a man-made law acknowledge their right to participate in making it.

But who is included in such a bargain? This is the question of our time, and globalization has made it increasingly urgent (see Calhoun in this volume). People have wanted the benefit of the open society without the cost of providing a secure answer to that question. But can we have an open society without national sovereignty, and borders secured by a territorial jurisdiction? The European Union says yes; Mr Orbán says no. And in my own country, it is in part the pressure of migration from the European Union (Hungary included) that led to the Brexit vote, which was interpreted by many people as an affirmation of national sovereignty and a defense against inward migration.

What Is Openness?

Before deciding what a conservative defense of the open society would look like today, we must be clear about what openness actually consists in. There are, in fact, two rather different conceptions in the literature as to the nature and value of the open society: one epistemological, the other political.

Popper's conception is purely epistemological, and was critiqued for this reason by Aurel Kolnai (1995: xii–iii), among others. Only in conditions of open discussion and the free exchange of opinion, Popper argues, does human enquiry reliably tend toward knowledge. In such conditions, as he puts it, our hypotheses die in our stead. Without the open competition of opinions in the forum of free discussion, beliefs are chosen for their convenience rather than their truth: darkness and superstition reclaim their ancestral territory. The in-spiration

for Popper's view is the scientific revolution and the benefits that have flown from it, as much as the political philosophy of liberal individualism.

The epistemological benefits of openness have been emphasized by other central European thinkers, notably Michael Polanyi and Friedrich Hayek, for whom free association is the repository of social knowledge—the kind of knowledge that exists only in social networks and never in an isolated head. And we should not overlook the argument, due to Mises and Hayek, that a regime of free exchange is the necessary vehicle of the economic information on which a Great Society depends. But all these epistemological benefits might exist in a society, like modern China, in which personal liberties are seriously curtailed and, in some areas, non-existent.

Thus, a further and expressly political defense of the open society is needed. Such a defense values freedom not as a means to knowledge and information, but as an end in itself. This was the position defended by John Stuart Mill (2007 [1859]), and it raises the question of political order in a radical form. When do we jeopardize the social order by extending freedom, and what kind of order does freedom presuppose? Or does social order arise spontaneously from freedom, when individuals are released from traditional constraints? Those are the questions that underlie conservatism in politics, and I will conclude with a summary of what follows, when we take them seriously.

The Conservative Response

Conservatives have in general been suspicious of the liberal individualist idea, that society is, or can be, founded on a social contract. Deals and contracts presuppose trust and do not produce it. Trust is the long-term background condition that makes political order possible (Fukuyama 1995). Such trust comes to us as an objective fact, something that we inherit with our social membership. It is bound up with customs, traditions, and institutions that establish a continuous conversation linking past, present, and future. This conversation exists only where there is a confident sense of who belongs to it and who does not. It requires a conception of membership, and the knowledge that in emergencies, each will assume the duties that are needed for our collective survival.

This membership is not simply a matter of acquiring rights that will be protected by the community; it means acquiring duties toward the community, including the duty to inspire the trust on which the community depends. In the case of newcomers, this means displaying a willingness to belong; minimally, Habermas (2001), himself a left-liberal, has maintained an understanding of and commitment to the basic law/constitution of the host nation. Such an understanding and commitment has long been the norm among immigrants to the US, but it has not been the norm everywhere in Europe (Müller 2006).

The mobility of populations in the modern world is one reason why conservatives have leaned toward the national idea as their preferred first-person plural: it indicates a way of belonging that is accessible to the newcomer, to the stranger, and to the person who has nothing in common with you apart from residing in the place where you are. By contrast, the religious way of belonging presents an existential challenge. To adopt a religious form of membership is to convert, to change your life entirely, and to submit to strange gods and alien doctrines. Religious communities present a barrier to the migrant and the refugee, as well as an internal boundary within the nation, a fault line that will open at once in any conflict, as in the former Yugoslavia. As I have recently argued, national identity shapes a pre-political loyalty that is adapted to the most urgent of our political requirements today, which is that of a single system of law, defined over territory, and resting on a shared attachment to the place where we are, rather than on any religious or family-based imperative (Scruton 2017).

Of course, nationality is not enough to establish a viable first-person plural. The nation is a pre-political community that is turned by its nature in a political direction, and may find a political expression in many different ways. There are nations that are bound together under a unified sovereign order, as in Britain, and nations that are scattered across political borders, as in Hungary. Nevertheless, there is a trust between neighbors

that comes from a shared attachment to territory and the language and customs that prevail there; and it is this kind of trust rather than shared religious obedience or the fall-out from global markets and cosmopolitan ideals that will sustain the truly open society. It is when people are settled side by side in a condition of neighborliness that they are most disposed to tolerate differences of opinion, freedom of speech, and a variety of lifestyles. It is, in my view, a mere illusion that societies become more open in those respects the more cosmopolitan they are.

In this connection, however, we must acknowledge that the nation-state, which seemed to open so tempting a path to democratic government in the 19th century, is no longer a clear conception in the minds of the young. At the same time, the question of what to be put in its place has received no consensual answer. On one interpretation, the European Union was such an answer, but in all issues in which national sovereignty has been at risk, the EU has slipped away into the realm of wishful thinking, and the nation has stepped forward in its stead. While the EU has tried by all available means to persuade Europeans to replace their national attachments with a new and cosmopolitan identity, the only effect has been to stir up other, narrower, and more emotional nationalisms, as with the Scots, the Flemings, and the Catalans. The conservative response to all this is to say: stop looking for something that has never previously existed, and think instead of adapting what we have. And what we have is a collection of historic settlements, in which national attachment sustains a liberal rule of law, and in which people can live together without conflict, agreeing about some things and disagreeing about others.

Liberal Doubts

Liberals and conservatives are united in accepting the epistemological argument for the market economy. And classical liberals will often go further along the road taken by conservatism, and acknowledge that tradition too might be an essential part of social knowledge, on which we depend in the unforeseen and unforeseeable circumstances of social change. But liberals, like many social conservatives, argue that markets must be controlled and that human ingenuity is constantly giving rise to new ways of abusing the trust on which markets depend, as in currency speculation, asset stripping, and similar ways of extracting value from everyone without adding value of one's own. Economic freedoms may impose a huge and unforeseen cost on people who had built their lives around a now defunct economic order. Under capitalism, the Communist Manifesto famously said, 'all that is solid melts into air.' Globalization vastly enhances this effect, as capital roams the world in search of those unexploited margins, detaching one economy after another from its protected enclave. In the face of this, it is normal, now, for governments to offer some protection to their citizens against the global storm. A free economy, it is therefore assumed, must be a regulated economy, if the citizens are to put their trust in it. But that means that the economy should be regulated in the interests of the given first-person plural, the 'we' on which social trust depends. A free economy must be constrained by the national interest.

Liberal doubts about market freedoms are now widespread. More controversial are liberal doubts about religious freedoms. The first amendment to the US Constitution granted freedom of religion, or at least forbade the Federal government from imposing a religion of its own, and also forbid any interference with free speech and free assembly. But it should be clear to everyone that we have come a long way from those requirements. Does freedom of religion extend to the freedom to teach religion to the young, to wear religious symbols in public, to run an adoption agency that upholds the traditional Christian view of marriage, and which on these grounds accepts no applications from gay couples, to refuse to design a cake celebrating gay marriage, when trading as a provider of wedding cakes? Some of those freedoms are rejected by people who consider themselves to be defenders of the open society idea. Likewise, there is a growing view among people who declare themselves to be liberals that free speech should not extend so far as to protect hate speech, a term which is itself hostage to the one who chooses to define it.

To put it simply, we have witnessed a closing down of choices in those areas, such as religion and speech, where new interests are competing for space against the old and once-settled customs. It is no longer clearly true that

self-styled liberals are unqualified in their support for the open society. Yes, they say: an open society, provided it is a society of liberals.

Conservative Doubts

Conservatives also have doubts about the open society idea, believing that the modern tendency to multiply options might damage the trust on which free-dom ultimately depends. The case of marriage has been particularly important: an institution that many believe to be the bedrock of society has been redefined, so as to offer same-sex marriage through the mediation of the state. Is this an addition to our freedoms, or an assault on them? Many conservatives say that the state, by intruding into a sphere that is, in its true meaning, sacramental, has exercised a power that it cannot legitimately claim. If that is so, the enlargement of choices has been purchased at the cost of the institution that gives sense to them. What is offered to homosexuals by the state, therefore, is not marriage but something else. And by calling it marriage, the state downgrades the life-choice that previously went by this name. Conservatives who mount that argument do not, as a rule, seek to impose their view on those who disagree with it, since they are attached to the liberal conception of law, as the protector of individuals against those who would like to control them. But they also see the enlargement of the concept of marriage as restricting liberties since it takes away an institution that they would otherwise have wished to commit to. A new option is created, yes, they argue, but only by destroying the old option that meant so much more.

Conclusion

Responding to both sets of doubts concerning the open society and the fact of globalization, how can we articulate a conservative defense of the open society that can speak to the growing popularity of expressly illiberal ideas and illiberal policies on the political right? First, we must recognize that conservatism is not against openness and change; it is concerned with the conditions that must be kept in place if those things are to be possible. In this respect, it is attuned to liberal individualism's dangerous tendency to cast any and every constraint of an individual's freedom of movement or action as unjustified, until proven necessary. Such an onus of proof constantly in its own favor shields liberal individualism in the absolute protection of law while undermining the social trust on which liberal policies ultimately depend. Resisting this tendency in liberal individualism, a conservative defense of the open society will instead recognize that every increase in freedom (such as the freedom for an individual to marry a member of the same sex, or to be recognized as belonging to a sex other than that they were assigned at birth) is likely to have a cost attached to it, which might well involve a loss of freedom for others.

Given this trade-off, the second key feature of the conservative defense of the open society will be an insistence upon the dependence of the freedom of free individuals to live where and how they like upon the first-person plural context of mutual trust and shared identity, which alone can suffice for the maintenance of peaceful relations between us and guarantee the passing on of social capital. This trust must also be an open trust, one that does not depend on surrender to an authority or a custom that closes down those freedoms that are precious to us: freedom of association and opinion. Hence, it must help us to move away from the religious and tribal forms of society toward the condition of citizenship, and this entails replacing faith and kinship by neighborhood and secular law as the primary bonds of civil association. The two points, many conservatives will assert and celebrate, already have been the achievement of Europe: the creation of the nation as an object of loyalty and the secular state as its expression. Thus, the conservative defense of the open society seeks not to establish something new on the basis of abstract universal claims, but to pre-serve a heritage on the basis of mutual trust and a shared tradition.

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