**Conservative Thinkers and the Post-War State, 1945-79**

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 This chapter takes its cue from the important and influential work that Jose Harris has contributed to our understanding of the development of the British state in the 19th and 20th centuries, and of its growth during the Second World War in particular. A key strength of Harris’s work has been the way in which it has injected a sophisticated appreciation of intellectual history into more traditional social and political accounts of these phenomena. This has enriched our understanding of the way in which social policy makers conceptualised the limits of state intervention from the late Victorian period to the Second World War, of the different ways in which the state’s growth was justified during the period of “reconstruction” during World War Two and after, and of the Labour Party’s continuing divisions over the nature of the state throughout the 20th century. Thus in her classic article, ‘Political Thought and the Welfare State’ (1992),[[1]](#footnote-1) Harris’s stress on the continuing importance of philosophical idealism in social and political philosophy[[2]](#footnote-2) helps to explain why in the period 1870-1940 social theorists as divergent as Bernard Bosanquet and Beatrice Webb could agree that welfare policies should be ethically as well as materially focused, that the ultimate goal of such welfare should be citizens imbued with public virtue, and that (when such assumptions gradually broke down) the post-1945 welfare state had to be justified along very different lines. Equally, in her essays dealing with the wartime and post-war eras, ‘Society and the State in Twentieth-Century Britain’, (1990), and ‘ “Contract” and “Citizenship”’ (1996), not to mention her biography of William Beveridge (1977),[[3]](#footnote-3) Harris has helpfully delineated the ways in which intellectuals and policymakers in the Second World War differed over the aims of the welfare state, highlighting in particular the division between those (like William Beveridge) who stressed the idea that the welfare state should be funded by universal insurance contributions – on the basis it was designed not for one class but for all[[4]](#footnote-4) – and those (like James Meade) who argued that it should be much more explicitly redistributive, and hence funded by general taxation.[[5]](#footnote-5) And in her magisterial chapter on ‘Labour’s political and social thought’, she traces the continuing differences within the Labour Party about what the role of “planning” by the state should be - whether this was the division in the 1930s between those (like Stafford Cripps and G. D. H. Cole) who favoured the centrally planned direction of prices, wages, and manpower and the majority of trade unionists who merely wanted the creation of jobs through large-scale public works, or the division in the 1950s and 1960s between those (such as Richard Crossman and Thomas Balogh) who stressed a continuing role for nationalization to secure equality, and those (such as C. A. R. Crosland in *The Future of Socialism* [1956]) who argued that the role of the state should be more indirect, centring on the improved state provision of education, rented housing, and healthcare.[[6]](#footnote-6)

 If Harris has made a significant contribution to understanding the different ways in which thinkers on the Left in Britain in the 20th century tried to conceptualize the state, she has been less concerned to examine the different ways in which conservative thinkers and the Conservative Party sought to do so, and it is therefore the purpose of this chapter to help to fill this gap, concentrating in particular on how conservative thinkers sought to react to the growth of the state in the period after World War Two (but before Margaret Thatcher’s administrations). For if this was a period in which conservative intellectuals found explicitly addressing the topic of the state unavoidable to some extent, given the growth in its powers – notably over rationing, welfare spending, nationalized industries, planning and incomes policy – most scholars who have sought to address the issue (unlike Harris) have nevertheless still struggled to analyse satisfactorily how they did so. Arguably, there are two main reasons for this. One has been the continuing difficulty of apprehending the nature of conservative thought about the state when so many conservative intellectuals were reluctant to discuss such theoretical questions systematically - either because they regarded politics as an inferior activity, or (more strongly) because they denied that conservatives were involved in making theoretical choices at all, as opposed to simply following ‘tradition’ and ‘common sense’.[[7]](#footnote-7) But second, more specifically, commentators have found the sheer variety of conservative views on the state in the post-war era difficult to get to grips with, since the conventional distinction drawn between ‘libertarians’ and ‘paternalists’ (as famously urged by W. H. Greenleaf)[[8]](#footnote-8) - and related ones of ‘Keynesians’ and ‘free marketeers’, or ‘Heathites’ and ‘Powellites’ - have failed to capture the sheer diversity of conservative opinion on the function and role of the state. For even if we leave aside the *parti pris* attempts by commentators who are intent on claiming that either the more ‘paternalist’ or ‘libertarian’ parts of the Conservative tradition are simply illegitimate intrusions into it – as, in particular, overtly Thatcherite and ‘wet’ conservatives have tended to do since the 1980s[[9]](#footnote-9) – such a mode of analysis remains highly unsatisfactory, since it simply leaves conservatism irreparably divided between two irreconcilable poles. Given these problems, by far the most sophisticated analysis of conservative attitudes to the state in these decades has been given by Ewen Green, who, in his essay ‘State and Society in the Twentieth Century’,[[10]](#footnote-10) has argued that paradoxically the best way to understand conservative attitudes to the state is, oddly enough, not to focus upon this particular concept too much – since conservatives did not stress its importance themselves. Rather, he argues, what unites conservatives from all wings of the party in this era is their agreement that the state should only intervene if the associations within civil society were failing, since these were ‘at once the glory and the cause of a free society’, to use Quintin Hogg’s often repeated formula.[[11]](#footnote-11) So despite considerable tensions in this era between different wings of the party over particular policy decisions in practice, he argues, not least over the role of trade unions, both ‘libertarians’ and ‘paternalists’ could nevertheless adhere to this formula.[[12]](#footnote-12)

 If, however, Green’s attempt at explaining the way in which post-war conservatives conceptualized the state represents a considerable improvement on simply regarding them as irreparably divided, there are arguably still two aspects of his account in particular which call for extension and revision. First, because his analysis concentrates almost solely on the socio-economic functions of the state, it ignores other important features of state power, and hence (amongst other questions) of the conservatives’ attitude to the constitution, how they conceptualized the relationship between morality and law, and the degree to which they felt religion or high culture were necessary to the successful functioning of civil society and the state. Second, on a related point, Green’s analysis risks being anachronistic, since although it usefully highlights the degree to which there is some significant continuity in conservative thinking about the state between ostensibly very different periods – notably before and after 1979 – nevertheless his stress on purely socio-economic issues arguably underplays the degree to which conservatives felt they needed to address different issues concerning the state by the late 1960s and 1970s, compared to the 1950s and earlier 1960s. Thus by the 1970s, conservatives almost inevitably had to confront new issues that affected the nature of state power – most notably ‘the permissive society’, Labour’s alleged disrespect of the constitution, the impact of immigration, and, more generally, the phenomenon of ‘government overload’. Therefore what I propose here is to being to produce a more genuinely historical analysis of how conservative thinking about the state evolved during the post-war period. First I seek to use the work of Michael Oakeshott to develop Green’s analysis and show why post-war conservatives were reasonably united, ideologically, in the earlier post-war period, not just over socio-economic issues, but more broadly over property rights, patriotism, and a particular conception of the constitution and the rule of law. Second, I argue that this framework came under considerable strain in the later 1960s, and 1970s due to the issues I’ve already mentioned. The result was partly enlivening for conservatives, due to the impression that traditional post-war social democratic norms were under severe strain, opening up new possibilities. But it arguably also led to a considerable sense of crisis, since there were also deep disagreements between conservatives as to the nature of any new conception of the state, let alone about whether such a conception would be attractive to the electorate.

**Michael Oakeshott and Post-War Conservatism**

First, therefore, in order to extend Green’s analysis, and help understand how post-war conservatives conceptualized the state in the 1950s and 1960s, I suggest we focus on the work of the post-war conservative political theorist Michael Oakeshott. At first glance this might seem eccentric. This is because Oakeshott was primarily a political philosopher whose overt aim was to produce theoretical work on the state, rather than on carving out an explicitly party political conservative position. But in fact, examining his arguments concerning the state makes considerable sense in this context. This is partly because Oakeshott had a considerable influence on a wide range of other conservative theorists – he is subsequently cited by such disparate (but important) writers as Angus Maude, Iain Gilmour, Roger Scruton and Maurice Cowling, amongst others.[[13]](#footnote-13) But more particularly, examining Oakeshott’s theory of the state, of civil association, helps us to understand why post-war conservatives were more united in how they conceived of the state than is first apparent. Not merely, in other words, did conservatives tend to agree, as Green claims, that the state should only intervene when the agencies of civil society fail in the economic sphere, more positively in the 1950s and 1960s they tended to accept a vision of the state most clearly articulated and more comprehensively delineated by Oakeshott – so that his work can be viewed as something of an ‘ideal type’ as far as Conservative conceptions of the state in that era are concerned. What did such a conception of the state look like?

 Essentially, Oakeshott believes that the best kind of state is one that enables individuals to enjoy the maximum freedom possible. Rather than acceding to the view that had become popular among his intellectual contemporaries after the experience of the Second World War, in other words, that the role of the state was to direct society in line with one particular, determinate end, not least because it was more efficient,[[14]](#footnote-14) Oakeshott maintained that the state should be predominantly concerned to protect the liberty of differing individuals. Insofar as he did so, his conception of the state was comparable to that of other conservatives, or even liberals, reacting to the expansion of the British state during World War Two.[[15]](#footnote-15) But what made Oakeshott’s argument particularly distinctive and influential was that it was not based upon either a “libertarian” definition of liberty (which claimed that individuals naturally had freedom in advance of the appearance of the state), or upon a conception of natural law. Rather, Oakeshott sought to articulate a key role for the modern state in protecting individual freedom – not least from illicit bodies in civil society – which nevertheless took its cue from the importance of tradition and particularly the common law, because (he argued) our very concept of modern freedom began not simply when individuals began to detach themselves from previous medieval institutions, but when the modern state became powerful enough to protect their differing preferences and courses of action.[[16]](#footnote-16) As such, Oakeshott’s conception of the state follows Green’s analysis in stressing the main reason for state intervention is if institutions within civil society (or, less commonly, other individuals) are impinging on individuals’ liberty to make free choices. But more positively, in essays published in the 1950s and 1960s such as ‘The Political Economy of Freedom’, ‘On Being Conservative’, and ‘The Masses in Representative Democracy’, and subsequently in the second essay of *On Human Conduct* and the essay on ‘The Rule of Law’, Oakeshott sought to specify in more detail what such a state ought to look like, going beyond the purely economic to discuss morality, legal philosophy, and the constitution.[[17]](#footnote-17) Trying to encapsulate Oakeshott’s argument in such a small space necessarily enforces simplification, but essentially there are five features.

 First, Oakeshott takes it as axiomatic that although there will almost certainly be considerable differences between individuals over their moral judgments in modernity, nevertheless these will not be so great that they cannot be contained within the legal framework of the modern state. Indeed, second, despite the degree of moral pluralism that is likely to exist within such a state, Oakeshott still contends that there should be some connection between the authority that its laws command, and the morality of its citizens. So rather than concluding that citizens’ differences over morals are so great that the only authority laws can have must be derived *solely* from whether such laws are legitimately passed or not, in other words, Oakeshott maintains that there must be a recognition on the citizens’ part that laws have *some* connection with their own moral judgments.[[18]](#footnote-18) Third, however, in view of the difficulty of formulating laws so that they respect the degree of diversity of moral judgment that exists within the state – and because, in any case, he is insistent that there is always an aspect of any moral or legal judgment that is inherently practical, that cannot be precisely and consciously formulated – Oakeshott places considerable weight on tradition, on being constitutionally conservative. Thus although he concedes that every formulation of new legislation with the tradition of the common law requires adjudication, and hence conscious judgment, Oakeshott stresses that this process is a difficult and complex one to achieve successfully. As such, we should accord considerable respect to our traditional constitutional arrangements, since the freedoms associated with our inherited version of ‘the rule of law’ (including a stress on parliamentary sovereignty) are hard won, and hence should not be lightly interfered with.[[19]](#footnote-19) Fourth, Oakeshott maintains, a key role of the state is the protection of private property, since this is critical to the liberty of individuals, not because there is any right to property prior to the state, but rather because the genuine expression of individual preference is impossible without it. As such, the state must protect individuals’ property rights against the illegitimate attempts of either enterprise or labour monopolies to subvert such rights.[[20]](#footnote-20) Finally, following on from his assumption that the British are lucky in their tradition of constitutional arrangements and institutions, and retain enough fellow feeling to recognize this fact, Oakeshott argues that the state is underpinned by (and exists to foster) a sense of patriotism – although this is implicit in his work rather than aggressively asserted, and certainly falls short of overt imperialism.[[21]](#footnote-21)

 Given that what is being suggested here is that such an Oakeshottian position is an ideal-type, rather than one that all post-war Conservative thinkers actually follow religiously, it is not surprising that one can find it interpreted with different emphases, or even that there are exceptions to its tenets, in the first twenty years after World War Two. Thus (just to give some examples) Quintin Hogg in *The Case for Conservatism* in 1947 appealed to a conception of natural rights to underpin his version of conservatism in a way that Oakeshott did not,[[22]](#footnote-22) and some on the ‘Old Right’ within the Conservative Party, especially in the late 1950s and early 1960s, continued to advocate a much more aggressive imperialism than Oakeshott envisaged.[[23]](#footnote-23) Equally, too, the exact delineation of how the criminal law should be applied to morality was often up for dispute amongst Conservatives at this time, particularly during Rab Butler’s reforming period at the Home Office between 1957 and 1962, when he sought to change the law relating to drinking, gambling, and divorce in particular.[[24]](#footnote-24) Nevertheless, it seems clear that this ideal-type, by adding a moral and constitutional dimension to Green’s scheme helps us to understand much better the nature of Conservative ideology in these years, and why, despite some outward appearances, and subsequent accusations that conservatism had ‘caved in’ to social democracy in this period, conservatism in practice remained so remarkably robust and successful in the aftermath of the growth of the state after World War Two.

**Conservative Thinkers’ Reactions in the 1960s and 1970s to the Growth of the State**

 If such an Oakeshottian framework generally served conservatives well in providing a means of conceptualizing the state in the earlier part of the post-war period, both in theory and practice, by the late 1960s arguably it was one that was becoming increasingly difficult for conservative thinkers to uphold – at least without arguing for more radical responses than Oakeshott had envisaged to ensure the continuing viability of such a framework. Essentially there were three overlapping reasons for this. First, an increasing number of Conservatives felt that a variety of government interventions in the economic sphere had seriously damaged individuals’ right to private property and economic freedom, citing such developments as the imposition of prices and incomes policies, greater control of the private rental market, and the advent of a capital gains tax as evidence – as well as, more generally, the advent of much higher inflation in the 1970s, an increasingly powerful trade union movement, and the taxes levied to provide for an increasingly generous welfare state. Second, Conservatives were also confronted with new challenges when it came to articulating the relationship between morality, the criminal law, and the authority of government. Partly, this was straightforwardly due to the Wilson government’s passing of a number of key acts in the 1960s, which decriminalized abortion and homosexuality, abolished the death penalty, made divorce easier, passed a race relations act, and abolished the Lord Chamberlain’s role in theatre censorship. But underpinning this more ‘permissive’ society was also a gradual change in social behaviour, which saw the rise of a youth culture, an increased social and political radicalism, and a general rejection of ‘Victorian’ norms. Finally, Conservatives were also forced to address the fact that new constitutional problems had appeared which rendered their traditional understanding of the state much more difficult to uphold. In particular the onset of Scottish and Welsh nationalism, joining the EEC, increasingly militant trade unions, and declining support for traditional political parties all contributed to a sense that traditional constitutional arrangements needed to be rethought – while there was an increasing complaint amongst conservatives in the 1970s in particular that government ‘overload’ meant that the state was trying to do too many things, but do few of them very well.

 How did conservative thinkers react to these new challenges in the later 1960s and 1970s? Traditionally, a story has been told, particularly by Thatcherites, but also by a number of historians such as Dennis Kavanagh and Martin Holmes, that such problems encouraged the popularity of neo-liberal arguments put forward by the New Right amongst conservative thinkers – namely that for reasons of both efficiency and ethics, the role of state should be reduced, or at least streamlined.[[25]](#footnote-25) In particular, it has been contended, it became increasingly popular amongst Conservative thinkers in the later 1960s and 1970s to argue that the state should interfere less with the market – and specifically, that the state should halt its attempts to try to control prices and wages, that direct taxation should be lowered, the role of the trade unions reduced, and the scope of the welfare state reduced – not only in order to stimulate greater individual economic activity (and hence maximize prosperity), but also because this would encourage individuals to take more responsibility for their own actions, by reducing their dependence on the state. However, although such an interpretation has a certain force, it largely ignores the constitutional and legal challenges that conservatives faced in those years, and more generally underestimates the difficulties that conservatives had in producing a coherent response to them. For if Britain’s travails in the 1970s ultimately presented new opportunities for conservative thinkers to rethink their approach to the state, at the time they experienced the decade as one of crisis, quite as much as Labour politicians and social democrats did.[[26]](#footnote-26) The transition to a new Thatcherite approach to the state between the later 1960s and the 1980s was by no means neat and tidy, in other words, but rather exhibited a wide range of conservative responses, some of which are much better remembered than others. For reasons of space, I cannot explore all the interesting responses that conservatives made to the challenges of this period, but will attempt to look at some of the most important in the remainder of this chapter. First, I will examine three important conservative reactions to the growth of the permissive society and the welfare state – since conservative thinkers often linked the two - before briefly examining some important conservative approaches to the constitution and governance in an era when traditional assumptions about it had become problematic.

**Reactions to the Permissive Society and the Welfare State**

 If we examine conservative thinkers’ reactions to the advent of the permissive society and the growth of the welfare state in the later 1960s and 1970s, then, arguably we discover three particularly important responses. First, there was one that can be labelled as ‘traditionalist’ or ‘authoritarian’ and which was associated in particular with a group of thinkers who formed the *Salisbury Group* in 1976, and which produced a notable and influential volume, *Conservative Essays* in 1978, edited by Maurice Cowling.[[27]](#footnote-27) This group, which apart from Cowling himself included such thinkers as Roger Scruton, John Casey, Peregrine Worsthorne, Edward Norman and Kenneth Minogue, stressed in particular the damage that had been done by undermining traditional moral norms, which they blamed in particular on the decline of deference within society, and the removal of criminal sanctions to enforce such moral norms, particularly in the 1960s under the aegis of Roy Jenkins as Home Secretary. As such, they worried about the degree to which some of their contemporaries on the Right, including Margaret Thatcher, were stressing the importance of increasing economic liberty and ‘rolling back the boundaries of the state’ as the solution to all social and political problems - whereas in fact trying to maximize liberty was at most part of the solution and indeed was often part of the problem. For, as Worsthorne argued in particular, in contrast to the situation in 1951, when the combination of a highly interventionist Labour government and a highly deferential society rendered the Conservative Party’s cry to ‘set the people free’ as appropriate at that General Election, the situation in the 1970s was very different – since the problem in the latter decade was that there was already far too much freedom for all kinds of groups in society. Thus, Worsthorne argued, trade unionists were no longer properly under the control of their leaders, crime was out of control, there was a lack of discipline in schools, universities and the home, and sexual immorality and pornography was allowed to proliferate unchecked.[[28]](#footnote-28) In such circumstances, an insistence on granting individuals ever greater liberty, he claimed, was simply to miss the point, since the problem with the Labour Party was not that it was encouraging a slippery slope to totalitarianism, as the neo-liberals sometimes claimed,[[29]](#footnote-29) but rather that it was encouraging the disintegration of discipline through its encouragement of attacks on the agencies of authority – notably the police, the armed forces, and corporal and capital punishment. Thus “dismantling Socialism, making a bonfire of controls, lifting Government from the backs of business” were all, in 1978, medicines which “relate to a disease which is not at the heart of the current British sickness at all”.[[30]](#footnote-30)

 What then did traditionalists think was the solution? To some extent they differed amongst themselves on this question since they wanted to preserve, or even resuscitate, different aspects of British tradition. Thus in Cowling’s work, there was a particular stress on upholding inequality,[[31]](#footnote-31) in Worsthorne’s on upholding the right to rule by the correct governing class,[[32]](#footnote-32) in Casey’s on the importance of upholding piety,[[33]](#footnote-33) and in Norman’s on the vital importance of upholding a particular form of Christianity.[[34]](#footnote-34) However, despite their different emphases, all the traditionalists clearly believed that the authority of the state should be re-established, and that it was important to dispense with what they regarded as an obsession with individual self-expression at the expense of more traditional moral norms. As such, and despite, ironically, often citing him favourably, all of these thinkers - implicitly at least – rejected Oakeshott’s version of the state as sufficient to uphold its authority and the rule of law. This was because Oakeshott’s conception of the state relied on the premise that the degree of moral pluralism within society could be sufficiently reconciled so as to allow individuals to pursue, healthily and profitably, their own courses of action, which was something the traditionalists rejected – for as far as they were concerned, not only was the degree of moral pluralism now too great, but also individuals were no longer sufficiently robust to choose their courses of action in this way, since the fashion has shifted so far in favour of the ‘tender’ virtues of compassion, instead of the ‘vigorous’ self-reliance which Oakeshott had seen as the hegemonic condition of modern Western individuals.[[35]](#footnote-35) Indeed, such was the pessimism of the traditionalists about the contemporary instincts of ordinary people, because they felt a Left-leaning orthodoxy had become deeply ingrained, that they tended to be much more pessimistic about the prospects for the future than Oakeshott.[[36]](#footnote-36) In such circumstances, they felt, the authority of the state could only be guaranteed by reaching for much harder edged justifications. Thus in Roger Scruton’s work *The Meaning of Conservatism* (1980), which was probably the most developed statement of the traditionalists, Scruton rejected Oakeshott’s account of the nature of political authority, and compared the authority of the state to that of a parent over a child.[[37]](#footnote-37) For Scruton, in other words, loyalty to the state was not (fundamentally) justified by any argument that claimed it was the body that guaranteed the liberties of individuals, but rather should be seen as a transcendent bond – because fundamentally, Scruton insists, ‘the condition of man requires that the individual, while he exists and acts as an autonomous being, does so only because he can first identify himself as something greater’.[[38]](#footnote-38) As such, Scruton argues, asking why the state should have the right to interfere in an individual’s private conduct, as the advocates of the ‘permissive society’ had done, was completely the wrong question – instead, he maintains, intuitively individuals know that certain forms of behaviour (such as pornography and television violence) are simply wrong in and of themselves.[[39]](#footnote-39) Fundamentally, then, for Scruton, as for the other traditionalists, ultimately the authority of the state rested not on its ability to protect the liberties of individuals, but rather on its power to uphold traditional standards of morality, which implied reverting to a kind of society that was much more organic and hierarchical than the one that existed in 1970s Britain.[[40]](#footnote-40)

 The second major response to the onset of the permissive society and the growth of the welfare state in the late 1960s and 1970s was arguably more straightforward, and although again there were a number of variants, it is well represented by the work of the politician and writer Lord Coleraine, the younger son of the Conservative Prime Minister Andrew Bonar Law. Coleraine had earlier achieved a certain notoriety for his work *Return from Utopia* (1950), which had formed part of the early intellectual reaction against planning in the late 1940s,[[41]](#footnote-41) and had long been a member of organizations favouring less state intervention in the market, such as the ‘Longbow’ and ‘Selsdon’ groups, but his work gained a new relevance and purchase amongst conservatives in the 1970s with the publication of *For Conservatives Only* (1970).[[42]](#footnote-42) To some extent, Coleraine’s work resembled that of the traditionalists in that he worried about the morally degrading effects of the permissive society, and (unlike Oakeshott) took the view that public policy should be explicitly geared to the promotion of Christian values. But he nevertheless differed importantly from the traditionalists by arguing that this moral degeneration was ultimately caused by an unhealthy dependence on the welfare state – which had sapped individuals’ capacity for self-reliance – rather than being (primarily) something caused by the onset of moral permissiveness.[[43]](#footnote-43) Instead of insisting that the only way to combat modern immorality was to reassert the importance of an organically organized society, and the primacy of the state, as, for example, Scruton had done, in other words, Coleraine, by contrast, insisted it must be done by encouraging individuals to take responsibility for their own actions. As such, instead of reasserting the importance of the state, he favoured reducing its scope, arguing in favour of cuts in taxation and public spending, deregulation of the economy, the abolition of exchange controls, and denationalization.[[44]](#footnote-44) To some extent, therefore, Coleraine’s position can be fruitfully compared to that of Enoch Powell’s, in that he combined a strong commitment to the free market with equally strong advocacy of patriotism and Christian belief – although arguably he was more consistently moralistic in practice than Powell – and also, indeed, with Margaret Thatcher’s, given her similar ideological instincts, although there was one important difference. For if both Coleraine and Thatcher agreed that the scope of the state should be reduced, since an oversized state damaged the capacity of individuals to take responsibility for themselves, and scorned the search for the ‘middle ground’ of politics as being a bogus and foolhardy enterprise, they nevertheless differed over when politics in British had taken the wrong path. For Thatcher, the rot had set in after World War Two, with the acceptance by successive Conservative governments of increasing incursions by the state into the market and the private sphere;[[45]](#footnote-45) by contrast, Coleraine felt matters had gone wrong earlier in the 1930s, when, he believed, Baldwin’s poor political leadership had already allowed the state to bloat.[[46]](#footnote-46) Despite this, however, seeing Coleraine as a Thatcherite *avant la lettre* has considerable plausibility: both linked the failing moral standards of the 1970s to an oversized state, and felt that individuals would only take responsibility for their actions if the influence of such a state in the market and private sphere was considerably reduced.

 Is it therefore plausible to see conservative thinkers reacting to the growth of the welfare state and the permissive society in the late 1960s and 1970s as being largely divided between ‘traditionalists’ seeking to reassert the moral authority of the state, on the one hand, and ‘libertarians’ seeking to remove its influence, so as to re-empower individual citizens, on the other? Arguably there were a number of important conservative thinkers who cannot be as easily classified as that, and a good example of this was the important and influential thinker and politician, Angus Maude, our third respondent to the challenges of this period. For although Maude is usually regarded as a follower of Enoch Powell, and as someone who prefigured Margaret Thatcher’s desire to ‘roll back the boundaries of the state’, in fact in *The Common Problem* (1969), a fascinating (if understudied) work, he carves out a position that is not only distinct from the traditionalists, but also from economic libertarians like Coleraine and Powell.[[47]](#footnote-47) Certainly, just as much as Coleraine, he was a critic of big government and a corporatist approach to the economy, wanting, just as much as the latter, a diffusion of power in the economy, and cuts to the welfare state.[[48]](#footnote-48) He also regarded the individual as the fundamental unit for social and political analysis, and hence was sceptical of those (like Scruton) who wanted to resuscitate notions of an organic society or a conception of natural law. And yet his views on the state were highly distinctive. Criticizing those who advocated freer markets purely in order to maximize consumption, he took aim at Adam Smith just as much as the traditionalists did, mordantly asking if we had ever valued a society for the amount it consumed,[[49]](#footnote-49) and slamming advertisers for essentially peddling falsehoods – for, in other words, trying to get consumers to desire things they did not really want, hence blurring the distinction between ‘wants’ and ‘needs’.[[50]](#footnote-50) And if he believed the welfare state should be cut, with the aim of encouraging positive self-reliance amongst individuals, just as much as Coleraine did, he nevertheless downplayed the idea that the welfare state was particularly responsible for encouraging immoral behaviour, since he believed that dependence on welfare was hardly a new problem.[[51]](#footnote-51) Indeed, perhaps the key to understanding Maude’s position is to stress how much more optimistic he still was about the possibilities for individual self-development and self-improvement in the 1970s than either of the other groups, despite all the problems he identified as needing to be solved – to a degree that *The Common Problem* at some points almost resembles the progressivism of John Stuart Mill’s ‘On Liberty’. Certainly this helps to explain Maude’s criticisms of the permissive society, which he views as reprehensible not because it encourages immorality, but rather because it tends to lead to a society that is drearily conformist and passive, inhibiting vigorous debate and forward looking thought.[[52]](#footnote-52) Certainly his position is a highly distinctive and stimulating one, and helps to highlight both the fecundity of conservative thinking in the 1970s about the state (that has often been lost in standard historical accounts of that decade) - but also the lack of consensus amongst conservative thinkers at that time over the grounds on which to criticize the welfare state and permissive society.

**Reactions to Constitutional Challenges**

 If there was considerable debate amongst conservative thinkers about the role of the state in an era of greater permissiveness and a much expanded welfare state by the late 1960s and 1970s, equally such thinkers were also forced to reconsider the ways in which they thought about governance and the constitution. This was because Oakeshott’s strategy of taking a conservative attitude towards constitutional arrangements, and only updating them when absolutely necessary, proved increasingly difficult to sustain in the 1970s, given the onset of Scottish and Welsh nationalism, the Troubles in Northern Ireland, joining the EEC in 1973, increasingly militant trade unionism (and the failure to regulate this by both Labour and Conservative governments), changes in local government, and declining support for both Labour and Conservative parties. If there was a common complaint amongst conservative thinkers, it was that government had become over centralized, overburdened with responsibilities that it was struggling to fulfil – as their increasing tendency to talk about government ‘overload’ in the 1970s showed. Nevertheless responses by conservative thinkers as to how such problems should be addressed varied considerably, depending on how they conceptualized the problem. For reasons of space, we can only briefly examine them, but will first consider those of two prominent modernizers, before examining why constitutional traditionalists, such as Enoch Powell, found it quite so difficult to maintain the status quo.

 First, then, there were a number of prominent thinkers in the 1970s such as Lord Hailsham (the former Quintin Hogg) and Iain Gilmour who were keen to address what they saw as the ‘over-centralization’ and ‘bureaucratization’ of central government, and to consider various constitutional innovations to do so – even if they differed somewhat over the precise solutions they advocated. Thus Hailsham, always a significant intellectual within the party, as well as an important cabinet minister and policy maker, warned in his influential 1976 Dimbleby lecture and subsequent book *The Dilemma of Democracy* (1978), of the dangers of ‘electoral dictatorship’ – in other words of the unchecked executive power that an elected government held within the Westminster system – and in response argued for a set of constitutional innovations to protect the rights of the individual citizen.[[53]](#footnote-53) For although part of his case was that the way government worked - and particularly the House of Commons - was inefficient, his main complaint was that it intruded far too much in the lives of individuals, and hence that its powers needed curtailing. To do so, he sought checks on the unlimited powers of the Commons, advocating devolution, a bill of rights, a reformed upper house – and less centralization in government, querying the all-powerful role of the Treasury[[54]](#footnote-54) In keeping with his mission to reform the centralizing power of government (which he saw as intrinsically ‘socialist’), Hailsham therefore rejected even those reforming proposals (sometimes advocated by members of the New Right) which sought to limit the powers of government, but increase its authority in those reduced areas where it was deemed that it *should* operate. He also departed from a number of his contemporaries, and certainly from Oakeshott, in arguing that the reclaiming of citizens’ constitutional liberties necessarily required upholding a commitment to natural law, since only by doing so did one have a strong enough theoretical justification for objecting to governmental interference in the private sphere. (That one could be an advocate of basing one’s position on natural law, and yet be arguing on this basis for an increase in liberty - rather than authority like the ‘traditionalists’ - once again reveals the difficulty of cataloguing Conservative thinkers as either ‘libertarian’ or ‘paternalist’.) By contrast if we compare Gilmour’s position, as laid out in the influential book *Inside Right* (1978), we find someone equally keen to reduce centralization, although much cooler on the idea of a written constitution,[[55]](#footnote-55) and more receptive to the idea of proportional representation.[[56]](#footnote-56) More importantly, Gilmour’s conception of a modernized constitution was much more positive about special interest groups within civil society, notably trade unions, being integrated into the life of the state – rather than being regarded as illegitimate power brokers – even to the extent of considering the possibility of a separate house of parliament in which industry in general was represented.[[57]](#footnote-57) But despite their differences, what united the two was their openness to the idea that quite major constitutional innovations could be contemplated to increase the accountability of the state, and hence protect the liberties of the individual.

Second, even those who sought to uphold a highly traditional conception of British constitutional sovereignty were often faced with difficult choices in view of new circumstances. This was true even of someone like Enoch Powell, who was distinguished not only by his intellectual clarity, but also by his sheer devotion to the unique virtues of the historic British constitution.[[58]](#footnote-58) For Powell in the 1970s, the solution to the *economic* aspects of government overload were simple enough: government needed to interfere much less in the economy, industry should be denationalized, incomes policies should be abandoned and a sound money policy adopted instead.[[59]](#footnote-59) But constitutionally he was confronted with difficult problems, not least as an Ulster MP from 1974, a role that put him on the frontline of constitutional disputes about devolution. A strong defender of the unity and supremacy of parliamentary sovereignty, influenced by A. V. Dicey, the great Victorian theorist of the ‘rule of law’,[[60]](#footnote-60) Powell’s difficulties consisted not so much at the level of theory, since he was remarkably consistent in opposing almost every form of devolution in the 1970s, whether this be in Scotland, Wales, or Northern Ireland. (On this basis, as early as 1969 Powell was opposing the provision of the 1948 Nationality Act that gave citizens of the Republic of Ireland the right to vote in Britain.) The difficulty for Powell came with the abolition of the Stormont parliament, a policy which he supported in theory, but found difficult to voice in practice, for obvious reasons. (Moreover, it has to be said that at least some found his opposition to the direct rule – which was based on the idea that it was too heavily based upon the imposition of Orders in Council and too little on genuine legislative debate – to be a sophistic justification at best.[[61]](#footnote-61)) But perhaps the more important point here is that, whatever their instincts, many Conservative thinkers and politicians found Powell’s rigid and uncompromising opposition to any form of federalism or devolution difficult to uphold in the circumstances of the 1970s, particularly when it came to Northern Ireland. For although his two objections that any devolved parliament would inevitably be a competitor to the Westminster legislature, and that it was unreasonable for MPs from Scotland and Wales and Northern Ireland to be able to “make law for the rest of the country upon the selfsame subjects over which legislative power is transferred to the new parliaments”[[62]](#footnote-62) (1975) certainly chimed with many Conservatives, few were prepared to uphold this position with complete consistency in the politically difficult context of the 1970s. Once again, therefore, premises that Oakeshott or earlier conservative politicians would have regarded as not worth a debate became the focus of difficult choices for Conservatives in the later period.

**Conclusion**

My conclusions therefore are fairly straightforward, if, perhaps, controversial. First, I maintain that although Ewen Green’s formula in arguing that Conservatives believed that the state should intervene in civil society only when it failed is useful, it needs some expansion and qualification in order to help us understand how Conservative thinking on the state developed in the post-war period. Second, I argue that, with some qualification, in the 1950s and early 1960s, Michael Oakeshott’s conception of the state can help us do this by showing how allegedly ‘libertarian’ and ‘paternalist’ assumptions can be integrated into a complete whole – while at the same time revealing assumptions about the state which went unquestioned at that time. Oakeshott, in other words, provides us with a kind of ‘ideal-type’ within which Conservative analysts of the state worked. Third, I tentatively argue that the stresses and strains placed on the British state in the course of the 1960s and 1970s lead to division and anxiety amongst Conservative thinkers, as well as ultimately revival, a phenomenon that has perhaps been underplayed in view of Thatcherism’s subsequent success. In self-consciously tackling a large question, there are no doubt many omissions. But in view of Jose Harris’s determination to ask such large questions, both about the development of the state, and about the development of political ideologies, it seemed an appropriate one, on this occasion, to ask

1. Jose Harris, ‘Political Thought and the Welfare State, 1870-1940: An Intellectual Framework for British Social Policy’, *Past and Present*, 135 (1992), 116-41. [↑](#footnote-ref-1)
2. Thus although the assaults on Idealist philosophy in the Edwardian period are generally held to have had a devastating effect on Idealism on a more purely philosophical level, Harris argues that Idealism (widely defined) had a much longer continuing influence - see Harris, ‘Political Thought and the Welfare State’, 123. For one account of the assault on Idealism, concentrating on Russell’s work, see Peter Hylton, *Russell, Idealism, and the Emergence of Analytic Philosophy* (Oxford, 1990). [↑](#footnote-ref-2)
3. Jose Harris, ‘Society and the State in Twentieth-Century Britain’, in *The Cambridge Social History of Britain, 1750-1950*, edited by F. M. L. Thompson, 3 vols. (Cambridge, 1990), III, 63-118; Jose Harris, ‘ “Contract” and “Citizenship”, in *The Ideas that Shaped Post-War Britain*, edited by David Marquand and Anthony Seldon (London, 1996), 122-38; Jose Harris, *William Beveridge: A Biography*, 2nd edition (Oxford, 1997). [↑](#footnote-ref-3)
4. One of Harris’s many achievements has been, however, to highlight that he argued in favour of this position, not purely on grounds of utility, but also because he believed that the act of contribution was a duty which helped to qualify men and women to be full citizens: see Harris, ‘“Contract” and “Citizenship”’, 133. [↑](#footnote-ref-4)
5. Harris, ‘“Contract” and “Citizenship”’, 131. [↑](#footnote-ref-5)
6. Jose Harris, ‘Labour Social and Political Thought’, in *Labour’s First Century*, edited by Duncan Tanner, Pat Thane, and Nick Tiratsoo (Cambridge, 2000), 8-45. [↑](#footnote-ref-6)
7. Thus, just to give some examples, whatever their other differences, T. S. Eliot, John Casey and Quintin Hogg all contrasted politics with more worthwhile pursuits in this period, while Iain Gilmour in *Inside Right* (London, 1978) produced a classic restatement of the denial that conservatism is an ideology. [↑](#footnote-ref-7)
8. See W. H. Greenleaf, *The British Political Tradition*, 4 vols. (London, 1983), II: The Ideological Heritage, part 3. [↑](#footnote-ref-8)
9. See Norman Barry, ‘The New Right’, in *The Political Thought of the Conservative Party since 1945* edited by Kevin Hickson (Basingstoke, 2005) for just one example of an overtly Thatcherite analysis. [↑](#footnote-ref-9)
10. E. H. H. Green, ‘State and Society in the Twentieth Century’, in *Ideologies of Conservatism* (Oxford, 2002), 241-79. [↑](#footnote-ref-10)
11. Quintin Hogg, *The Case for Conservatism* (West Drayton, 1947), 29. [↑](#footnote-ref-11)
12. See Green, ‘State and Society, 272-3. [↑](#footnote-ref-12)
13. See, for example: Angus Maude, *The Common Problem* (London, 1969), 107; Gilmour, *Inside Right*, 92-100; Roger Scruton, *The Meaning of Conservatism* (London, 1980), 204 n. 6; Maurice Cowling, *Religion and Public Doctrine in Modern England*, 3 vols. (1980-2001), I, 252-82. [↑](#footnote-ref-13)
14. Karl Mannheim was probably the most famous example of an intellectual advocating this position after World War Two, although there were many others – see Karl Mannheim, *Man and Society in an Age of Reconstruction* (London, 1940). [↑](#footnote-ref-14)
15. See, for just three examples: John Jewkes, *Ordeal by Planning* (London, 1948), T. E. Utley, *Essays in Conservatism* (London, 1949), and Colm Brogan, *Our New Masters*. [↑](#footnote-ref-15)
16. See, for example, Michael Oakeshott, ‘The Masses in Representative Democracy’, in *Rationalism in Politics and other essays*, revised and expanded edition, edited by Tim Fuller (Indianapolis, 1991), 368. [↑](#footnote-ref-16)
17. The three essays are collected in Oakeshott, *Rationalism in Politics*; see also Michael Oakeshott, *On Human Conduct* (Oxford, 1975), chapter 2; Michael Oakeshott, ‘The Rule of Law’, in *On History and other essays*. (Oxford, 1983). The following interpretation of Oakeshott’s work draws on my book: Edmund Neill, *Michael Oakeshott* (New York, 2010), chapter 2. [↑](#footnote-ref-17)
18. See Neill, *Michael Oakeshott*, 63-69. [↑](#footnote-ref-18)
19. See Oakeshott, ‘On Being Conservative’, especially at 430-1. [↑](#footnote-ref-19)
20. See Michael Oakeshott, ‘Contemporary British Politics’, *The Cambridge Journal*, 1 (1947/48). [↑](#footnote-ref-20)
21. Oakeshott’s patriotism is well brought out in Julia Stapleton, ‘Political thought and national identity in Britain, 1850-1950’, in *History, Religion, and Culture*, edited by Stefan Collini, Richard Whatmore, and Brian Young (Cambridge, 2000), 368-69. [↑](#footnote-ref-21)
22. Hogg, *Case for Conservatism*, 70-75. [↑](#footnote-ref-22)
23. See for example, S. J. Ball, ‘Banquo’s Ghost: Lord Salisbury, Harold Macmillan, and the High Politics of Decolonization, 1957-1963’, *Twentieth Century British History*, 16 (2005), 74-102. [↑](#footnote-ref-23)
24. See Mark Jarvis, *Conservative governments, morality and social change in affluent Britain, 1957-64* (Manchester, 2005). [↑](#footnote-ref-24)
25. Dennis Kavanagh, *Thatcherism and British Politics* (Oxford, 1987); Martin Holmes, *The first Thatcher government 1979-83* (Brighton, 1985). [↑](#footnote-ref-25)
26. For this, see Robert Saunders, ‘“Crisis? What crisis?” Thatcherism and the seventies’, in *Making Thatcher’s Britain*, edited by Ben Jackson and Robert Saunders (Cambridge, 2012). [↑](#footnote-ref-26)
27. *Conservative Essays*, edited by Maurice Cowling (London, 1978). [↑](#footnote-ref-27)
28. See Peregrine Worsthorne, ‘Too Much Freedom’, in *Conservative Essays*, especially at 149. [↑](#footnote-ref-28)
29. This had of course classically been argued in: F. A. Hayek, *The Road to Serfdom* (London, 1944). [↑](#footnote-ref-29)
30. Worsthorne, ‘Too Much Freedom’, 149. [↑](#footnote-ref-30)
31. Maurice Cowling, ‘The Present Position’, in *Conservative Essays*, 11. [↑](#footnote-ref-31)
32. Worsthorne, ‘Too Much Freedom’, 141. [↑](#footnote-ref-32)
33. John Casey, ‘Tradition and Authority’, in *Conservative Essays*, 99. [↑](#footnote-ref-33)
34. Edward Norman, ‘Christianity and Politics’, in *Conservative Essays*, 77. [↑](#footnote-ref-34)
35. See, for example, Oakeshott, ‘The Masses in Representative Democracy’, 370. Oakeshott too had worries about the self-confident modern individual’s opponents, but he was certainly more optimistic than the traditionalists. [↑](#footnote-ref-35)
36. For example, Worsthorne, ‘Too Much Freedom’, 153. [↑](#footnote-ref-36)
37. Scruton, *Meaning of Conservatism*, 34. [↑](#footnote-ref-37)
38. Scruton, *Meaning of Conservatism*, 34. [↑](#footnote-ref-38)
39. Scruton, *Meaning of Conservatism*, 75-77. [↑](#footnote-ref-39)
40. Scruton, *Meaning of Conservatism*, 84-86. [↑](#footnote-ref-40)
41. See above, footnote 15. [↑](#footnote-ref-41)
42. Lord Coleraine, *For Conservatives Only* (London, 1970). [↑](#footnote-ref-42)
43. Coleraine was thus critical of moral permissiveness – but as a secondary phenomenon. See *For Conservatives Only*, 18. [↑](#footnote-ref-43)
44. Coleraine, *For Conservatives Only*, 118; 113-14. [↑](#footnote-ref-44)
45. For the Thatcherite rehabilitation of the 1930s, see E. H. H. Green, ‘Thatcherism: an historical perspective’, in *Ideologies of Conservatism*, chapter 8. [↑](#footnote-ref-45)
46. Coleraine, *For Conservatives Only*, 58. [↑](#footnote-ref-46)
47. Angus Maude, *The Common Problem*  (London, 1969) [↑](#footnote-ref-47)
48. Maude, *Common Problem*, 187. [↑](#footnote-ref-48)
49. Maude, *Common Problem*, 112. [↑](#footnote-ref-49)
50. Maude, *Common Problem*, 216. [↑](#footnote-ref-50)
51. Maude, *Common Problem*, 179. [↑](#footnote-ref-51)
52. Maude, *Common Problem*, 18; 61; 63-5. [↑](#footnote-ref-52)
53. Lord Hailsham, *The Dilemma of Democracy* (London, 1979). [↑](#footnote-ref-53)
54. See Hailsham, *Dilemma*, 162-9 (for devolution); 170-74 (for the bill of rights); 149-54 (for reform of the House of Lords); 203-11 (on centralization and the Treasury). [↑](#footnote-ref-54)
55. Gilmour, *Inside Right*, 220-21 [↑](#footnote-ref-55)
56. Gilmour, *Inside Right*, 223-27. [↑](#footnote-ref-56)
57. Gilmour, *Inside Right*, 244. [↑](#footnote-ref-57)
58. For what follows, I borrow from Paul Corthorn’s excellent article: ‘Enoch Powell, Ulster Unionism, and the British Nation’, *Journal of British Studies*, 51 (1997), 967-97. [↑](#footnote-ref-58)
59. Powell famously laid out his free market policies in his ‘Morecambe Budget’ in 1968. [↑](#footnote-ref-59)
60. Corthorn, ‘Enoch Powell’, 291. [↑](#footnote-ref-60)
61. Corthorn, ‘Enoch Powell’, 980 [↑](#footnote-ref-61)
62. Enoch Powell, speech to the House of Commons, 4 February 1975, cited in Corthorn, ‘Enoch Powell’, 982. [↑](#footnote-ref-62)