

consent of the 'victim' will not always be treated as a defence. This may be because the law exhibits 'paternalism, or because it is intending to enforce a moral code which sees particular acts as wrong irrespective of their consensual nature. The presence of consent has been an important test of political legitimacy in many theories, it being argued that the state or government would have no right to direct a person's behaviour unless that person's consent to be governed had been given. Consent conceptually embraces a wide range of attitudes, from grudging acquiescence to enthusiastic agreement. Arguments about the legitimizing force of consent need to accommodate this fact. When consent is given explicitly and expressly, its legitimizing force is at least plausible. Difficulties arise, however, when the presence or absence of consent has to be inferred from a person's actions (or inactions), because that explicitness is absent. Is anything short of active dissent to be construed as tacit consent? \*Locke recognized this problem, although the answer he provided to it has not been regarded as satisfactory. He distinguished between express consent and tacit consent. A person gave tacit consent by behaving (or failing to behave) in particular ways. Since the giving of consent has been taken to have these important consequences for responsibility and legitimacy, attention has naturally focused on the circumstances in which consent is given: for example, are those circumstances free from coercion or improper influence? Does the agent have a genuine choice? Is the consent given by a person with adequate knowledge of what his or her decision involves? This last question has produced the notion of informed consent: that is, consent given by a person who has the information required to give meaning to the attachment of his or her will to the proposal, action, or outcome. Clearly, a person with incomplete or inadequate knowledge might consent enthusiastically to a proposal that would be rejected if that person had a fuller understanding of what was involved. Because of the connection between consent and the conferral of legitimacy, both the state of mind and the maturity of the agent have to be considered. For example, contracts entered into under undue

stress might be considered voidable; children are debarred from consenting to many proposals because they are considered to lack the necessary decision-making competence. Many attempts have been made to refine our understanding of consent, leading to further distinctions between actual and hypothetical consent, between prospective and retrospective consent, and between strong and weak consent. AR

**consequentialism** In ethics, consequentialist doctrines are those which judge actions by their effects (or, sometimes, their intended effects) rather than by their conformance to rules, rights, or obligations. Consequentialist ethics are normally contrasted with deontological moral arguments (from the Greek *deontos*, meaning duty), which have been the overwhelmingly predominant form of moral judgements for most of human history. The most important tradition of consequentialist ethics is \*utilitarianism. LA

**conservation** Political action or belief which seeks to keep something in being. Etymologically, there is no significant difference between conserving something and preserving it in any of the languages which contain these two verbs. In Victorian England those who favoured what would now be called conservation tended to refer to the 'preservation' of the things they regarded as important (footpaths, ancient buildings, or species, for example) and what is now the Council for the Protection of Rural England was founded in 1926 with the word 'preservation' in its title instead of 'protection'.

However, an important nuance has come to distinguish conservation from preservation: conservation accepts that you cannot literally keep things as they are, but only manage change to preserve what is valuable. Thus conserving a forest does not just mean preventing anyone from chopping down the trees, it means planting new trees and even new types of tree if that is what is needed in order to maintain a healthy forest. LA

**conservatism** In general terms, a political philosophy which aspires to the preservation of what is thought to be the best in

established society, and opposes radical change. However, it is much easier to locate the historical context in which conservatism evolved than it is to specify what it is that conservatives believe. Modern European conservatism evolved in the period between 1750 and 1850 as a response to the rapid series of changes and prospects for change which convulsed European societies; these included the ideas of the \*Enlightenment, the \*French Revolution, industrialization (especially in England), and the demands for an extended or universal, generally male, suffrage. The name 'Conservative' for the English political party which had previously been called the Tory Party became established during the debate about electoral reform which led to the Reform Act of 1832.

The nature of conservative reactions to change has varied considerably. Sometimes it has been outright opposition, based on an existing model of society that is considered right for all time. It can take a 'reactionary' form, harking back to, and attempting to reconstruct, forms of society which existed in an earlier period. Other forms of conservatism acknowledge no perpetually preferable form of society but are principally concerned with the nature of change, insisting that it can only be gradual in pace and evolutionary in style. Perhaps the most unifying feature of conservatism has been an opposition to certain kinds of justification for change, particularly those which are idealistic, justified by 'abstract' ideas, and not a development of existing practices.

It is clear that, ideologically, conservatism can take many different forms. Liberal individualists, as well as clerical monarchists, nostalgic reactionaries, and unprincipled realists, have all been called 'conservatives', regarded themselves as conservative, and demonstrated the typically conservative responses to projects for change. Particular conservative writers have founded their conservatism on individualism as often as on collectivism, on atheism as much as on religious belief, and on the idealistic philosophy of \*Hegel as well as on profound scepticism or vulgar materialism. Furthermore conservatism has been primarily a political reac-

tion, and only secondarily a body of ideas: those who are defending their interests against projects for change often have little interest in philosophical ideas or treat them on the basis of 'any port in a storm'.

A further complication is that many people might be properly described as conservatives who would not describe themselves as such. A principal reason for this is that the image of conservatism in much of continental Europe became tainted, during the first half of the twentieth century, first by association with a defunct clerical-monarchist outlook and later by alliance with fascist and National Socialist movements. Thus, although the word 'conservatism' exists in French, German, and Italian, the number of prominent intellectuals and politicians who have described themselves as 'conservative' since 1945 is extremely small. When a 'Conservative' group existed in the European Parliament between 1989 and 1992, it had only English and Danish members. In some respects, other political movements, especially \*Christian Democracy, have become forms of conservatism 'that durst not speak its name', but even Christian Democracy is quite distinct from conservatism in its origins and principles.

\*Burke's *Reflections on the Revolution in France* has been taken as definitive and formative of modern conservatism, with its opposition to radical reform based on abstract principles and its pleas for the virtues, often hidden, of established, evolved institutions. But Burke himself was not a conservative. Not only did his literary and political careers precede the existence of conservatism, but he was a Whig with reformist and protoliberal views on the principal issues of the day, including India, Ireland, America, and Parliament. Until the 1920s he was claimed and cited as often by Liberals as by Conservatives. There is every reason to suppose he would have opposed 'Conservatism' when it emerged in 1832.

Much theoretical commentary on conservatism has contributed to the inherent confusion of the subject by starting with false assumptions. Often, the commentators are not merely hostile, but contemptuous, in the tradition of J. S. \*Mill's comment that the Conservative Party was, 'by the

## conservatism

law of their existence the stupidest party'. The assumption has been that conservative ideas are essentially flawed as well as being chosen for their political utility rather than their theoretical coherence. Alternatively, a spurious theoretical unity is attributed to conservatism, so that all conservatives are thought to believe in psychological pessimism, or the 'organic' nature of society, or the importance of national traditions. Nor have many of the taxonomies of conservatism—for example, between 'high' and 'low', 'wet' and 'dry', 'true' and 'neo', 'old' and 'new', Tory and Conservative—afforded much insight, the distinctions having been made in too many different and contradictory ways without any one version establishing itself. A further source of unclarity is the common resort to a confused notion of a political 'spectrum' or 'continuum' which suggests that to be deeply conservative is to be on the 'extreme right', along with (mysteriously) divine right monarchists, libertarian anarchists, and National Socialists.

\*Mannheim, faced with the considerable differences between Continental and English traditions of conservatism, concluded that the drive behind conservatism was a 'universal psychic inclination' towards traditionalism, the doctrinal form that expressed this inclination differing between contexts. But he does detect a common negative strand to all conservatism, a critical response to 'natural law thinking'. Conservative ideas are, thus, more genuine and profound than many critics suggest, but such unity as they have is purely negative, definable only by its opposition and rejection of abstract, universal, and ideal principles and the projects which follow from them.

This analysis of conservatism, as having only a negative doctrinal unity that allows for a vast range of positive doctrines, would seem to be the least misleading picture of what conservatism is as a general political phenomenon. It generates an intellectual method that can be described as a sceptical reductionism, which demands, of grand proposals and principles, 'Is it really a good idea, given local conditions?' This kind of questioning is common to Edmund

Burke, Benjamin Disraeli, Lord Salisbury, Michael \*Oakeshott, and Margaret Thatcher; it may well be all that they have in common as conservatives.

Thus conservative reformism is quite central to the conservative tradition, rather than aberrant or peripheral. The idea of radical conservatism is less easy to accept. In so far as radicalism is interpreted according to its original meaning, which suggests that radicals propose a systematic replacement of institutions and practices, from the roots up, then radical conservatism is a contradiction in terms. It is more acceptable at a less literal level as meaning a belief, in a particular context, that drastic, immediate change is required to preserve the underlying virtues of the system. For example, the belief that a severe combination of reductions in public expenditure, the privatization of services, and high unemployment was necessary to preserve the underlying vitality of the capitalist system, might fall into this category. However, an extreme belief in 'free' markets and a minimal state of a kind which has never existed, or existed only in the distant past, could not properly be called conservatism at all.

In the nineteenth century conservatism was preoccupied with what might reasonably be called the liberal agenda of extended rights. To different degrees in different contexts it won or lost these struggles or simply took over what had been its opponents' policies in earlier periods. Nineteenth-century conservatism appears more successful when judged as a procedural doctrine preoccupied with the nature of change, than as a substantive doctrine concerned with the value of particular social forms. In the twentieth century conservatism has been so preoccupied with the struggle against forms of socialism that many people have made the mistake of identifying conservatism purely with anti-socialism. If this perception were correct then the demise of socialism would also be the demise of conservatism. But in fact there is never any shortage of the kind of belief to which conservatism is inherently opposed. We can be assured that forms of feminism, ecologism, radical democratic theory, and human rights doctrines will,

inter alia, continue to provide the kind of political projects which serve as both opposition and stimulus to conservatism. LA

**Conservative Party** The British Conservative Party is often said to have origins which are 'lost in the mists of history'. Samuel Beer traces a lineage back to the supporters of the Tudor court in the sixteenth century. Less tendentially, there is an unbroken descent from the parliamentary \*Tories of the late seventeenth century whose original defining belief was Stuart legitimacy, but whose *raison d'être* under the Hanoverian monarchy of the eighteenth century became opposition to the ideas and entrenched power of the \*Whig oligarchy. Only in the nineteenth century did Tories become (also) Conservatives, the name being used in the debate about electoral change which culminated in the Reform Act of 1832. 'Conservative' was accepted as a self-description by one of the most prominent Tories, Sir Robert Peel, in the statement known as the Tamworth Manifesto in 1834. The reform debate also brought into being the first real extraparliamentary Conservative institution, the Carlton Club, which was founded in 1831.

The second Reform Act of 1867, which doubled the electorate, proved the stimulus for the creation of a national, extraparliamentary Conservative Party. The parliamentary Conservative Party responded by creating a National Union of Conservative Associations, a 'handmaid' of the Party as one of its founders (H. C. Raikes, MP) was to describe it. The principal purpose of the National Union was to bring a local party association into being in every constituency. In 1870 Conservative Central Office was founded as a body of professional party workers to coordinate the essentially volunteer army of supporters in the constituencies. Thus a modern party was brought into being with great rapidity as an extension of an ancient parliamentary faction and in response to the challenge of a mass electorate. Further reform was stimulated by the heavy electoral defeat by the Liberals in 1905-6 and a Chairman of the Party Organization was appointed in 1911.

The Conservative Party is the oldest political parties in the one of the most successful office, usually as sole for more than half of the tence. The secret of its success consists of the loyalty with which associations, who provide sources and whose utility very great, have been pre both their elected member leader, sometimes studious differences between the has been possible because many respects, the least tical parties, capable of s ment and factionalism to desire to keep opposing fice. Thus, although th contained factions, in twentieth century, 'we lective state intervention and 'dries' (supporters er's project to 'roll back pro- and anti-European: ended a serious split controversies of the decade out of office ( forgiven for feeling clear socialist opposition capable of uniting th as such issues as global integration, and hurriedly divide them. LA

## SEE WEB LINKS

- Conservative Party

**consociational** developed by the Dutch Lijphart to explain cal stability in societies. Through cartel, a democratic culture was in gium, the Netherlands in \*Northern Ireland essentially consociational. WG

**constituent** turns a representative, or o assembly. Th