

# What is Right?

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In the writings of the left the concept of freedom looms large: emancipation is both the individual purpose and the great social cause. And yet the nature of this freedom is rarely analysed, and the institutions needed to secure it still more rarely discussed. ‘Socialist relations of production’ are by definition free. And if a state exists in which freedom is not a reality, then by definition it cannot — *yet* — be socialist, even when founded on the theories, aims and methods which socialists defend.

## Power and Domination

This identification of socialism and freedom results, in part, from an obsession with power, and a confusion between questions of freedom and questions of power. Everywhere about him the radical sees domination: of man over man, of group over group, and of class over class. He envisages a future without domination, in which there is no power to secure obedience from the powerless. And he imagines that this condition is not only possible, but also a state of universal *freedom*. In other words, he sees equality and freedom as deeply compatible, and achievable together by the destruction of power.

This yearning for a ‘powerless’ world — which finds its most eloquent expression in the writings of Foucault — is incoherent. The condition of society is essentially a condition of domination, in which people are bound to each other by emotions and loyalties, and distinguished by rivalries and powers. There is no society that dispenses with these human realities, nor should we wish for one, since it is from these basic components that our worldly satisfactions are composed. But where there is loyalty there is power; and where there is rivalry there is the need for government. As Kenneth Minogue has put it: “the worm of domination lies at the heart of what it is to be human, and the conclusion faces us that the attempt to overthrow domination, as that idea is metaphysically understood in ideology, is the attempt to destroy humanity”.

Our concern as political beings should be, not to abolish these powers that bind society together, but to ensure that they are not also used to sunder it. We should aim, not for a world without power, but for a world where power is peacefully exercised and where conflicts are resolved according to a conception of justice acceptable to those engaged in them.

The radical is impatient with this ‘natural justice’, which lies dormant within human social intercourse. Either he discards it, like the Marxist, as a figment of ‘bourgeois ideology’, or else he diverts it from its natural course, insisting that priority be given to the underdog and the fruits of adjudication removed

from the hands of his ‘oppressor’. This second stance — illustrated at its most subtle in the work of Dworkin — is anti-revolutionary in its methods but revolutionary in its aims. The American liberal is as convinced of the evil of domination as is the Parisian *gauchiste*. He is distinguished by his recognition that institutions are, in the end, necessary to his purpose, and that ideology is no substitute for the patient work of law.

## Community and Institutions

The New Left has not generally shared that laudable respect for institutions. Its fervent denunciation of power has therefore been accompanied by no description of the institutions of the future. The goal is for a society *without* institutions: a society in which people spontaneously group together in life-affirming globules, and from which the dead shell of law, procedure and established custom has fallen away. This ‘*groupe en fusion*’ as Sartre calls it, is another version of the *fascia* of the early Italian socialists: a collective entity in which individual energies are pooled in a common purpose and whose actions are governed by a ‘general will’. When others proclaim this ideal the leftist denounces them (quite rightly) as fascists. Yet it is precisely his own ideal that angers him, when it stands before him armed in a doctrine that is not his own.

Institutions are the necessary inheritance of civilized society. But they are vulnerable to the ‘armed doctrine’ (as Burke described it) of the revolutionary, who looks to society not for the natural and imperfect solaces of human contact but for a personal *salvation*. He seeks a society that will be totally fraternal, and also totally free. He can therefore be content with no merely negotiated relation with his neighbours. For the institutions of negotiation are also the instruments of power.

In pursuit of a world without power the leftist finds himself plagued not only by real institutions but also by hidden devils. Power is everywhere about him, and also within him, implanted by the alien ideas of a dominating order. Such a vision fuels the paranoid fantasies of Laing and Esterson, and also the more sober methodical suspicions of Sartre and Galbraith. Everywhere, without and within, are the marks of power, and only a leap of faith — a leap into the ‘totality’ — brings freedom.

At the heart of the New Left thinking lies a paradox. The desire for total community accompanies a fear of ‘others’, who are the true source of social power. At the same time, no society can have the powerless character which the New Left requires. The attempt to achieve a social order without domination inevitably leads to a new kind of domination, more sinister by far than the one deposed.

## Civil Society and State

Underlying the New Left vision of society are two deep and contestable assumptions: first, that wherever there is power there is coercion; second, that classes are not the products of social interaction but the agents which control it. Those two assumptions arise from a kind of moral impatience, a need, faced with the ocean of human misery, to discover the culprit who turned on the tap. From the same impatience arises the political science of the New Left, which dismisses or ignores the concepts necessary to the defence of 'capitalist' society and which, by aiming always for the 'deep' explanation, misses the surface (and the truth) of social action.

Consider the distinction between civil society and state. It was Hegel who first gave this distinction currency, and it was Marx's attack on Hegel that first threatened to overthrow it. In Gramsci's theory of hegemony (and Althusser's derived idea of the 'ideological state apparatus') the Marxian enterprise obtains canonical utterance. All powers within civil society — even though exercised by free association, autonomous institutions and corporations limited by law — are ascribed to the state (and to the 'ruling class' which controls it). They are as much part of the state, for the follower of Gramsci, as are the army, the judiciary, the police and parliament.

Someone who accepts that theory can no longer perceive the destruction of autonomous institutions by the state as a radical and innovatory departure. For the New Left, there is no significant difference between the control exercised by a triumphant communist or socialist party and that exercised through the 'hegemony' of a 'ruling class'. Once again, therefore, a true achievement of 'capitalist' politics — the effective separation of society and state — is rendered imperceptible, and the reality of totalitarian dictatorship clouded in euphemism and apology.

This is not to say that the distinction between state and society is either easy to characterize or easy to defend. It is, indeed, one of the lasting problems of political philosophy how the two might best be related. We should understand their ideal relation in terms of a human analogy. The human person is neither identical with his body nor distinct from it, but joined to it in a metaphysical knot that philosophers labour fruitlessly to untie. When treating someone

as a person, we address ourselves to his rational and decision-making part: when treating him as a body (when he is ill or incapacitated) we study the anatomical functions which lie outside his will.

Civil society is like the human body: it is the substance which composes the state but whose movement and functions arise by an 'invisible hand'. And the state is like the human person: it is the supreme forum of decision-making, in which reason and responsibility are the only authoritative guides. State and society are inseparable but nevertheless

distinct, and the attempt to absorb the one into the other is the sure path to a stunted, crippled and pain-wracked body politic.

It is hardly a distinguishing fault of the New Left that it has relied so heavily on shoddy rhetoric in its discussion of this issue. The same goes for thinkers of every persuasion, and no theory yet provided — from the 'dialectical' analysis of Hegel to Hayek's conception of 'spontaneous order' — does justice to the extreme complexity of political realities. Nevertheless, it is characteristic of the New Left to be easily contented with theories that fuel its angry sentiment. When so much is at stake, this 'willing suspension of disbelief' is far from innocent.



*Portrait of G.W.F. Hegel by Jakob Schlesinger (1792-1855) located in the Alte Nationalgalerie in Berlin.*

## Left and Right

Were we to define the right as the force which leans from the left in an opposite direction, then we should have succumbed to the most dangerous feature of leftist rhetoric. We too should be seeing politics as a 'struggle' between opposing forces an 'either/or', poised between two equally absolute and equally final goals. Nevertheless, the labels 'left' and 'right' are inevitably forced on us, and we must venture a description — however partial and however brief — of the 'right-wing' attitude. The Right believes in responsible rather than impersonal government; in the autonomy and personality of institutions; and in the rule of law. It recognizes a distinction between state and civil society, and believes that the second should arise, in general, from the unforced interaction of freely contracting individuals, moderated by custom, tradition and a respect for authority and law. Power, for the Right, is an evil only when abused. For power arises naturally from human intercourse, and is merely the unobjectionable consequence of an arrangement whose virtue lies elsewhere.

## Corporate Personality

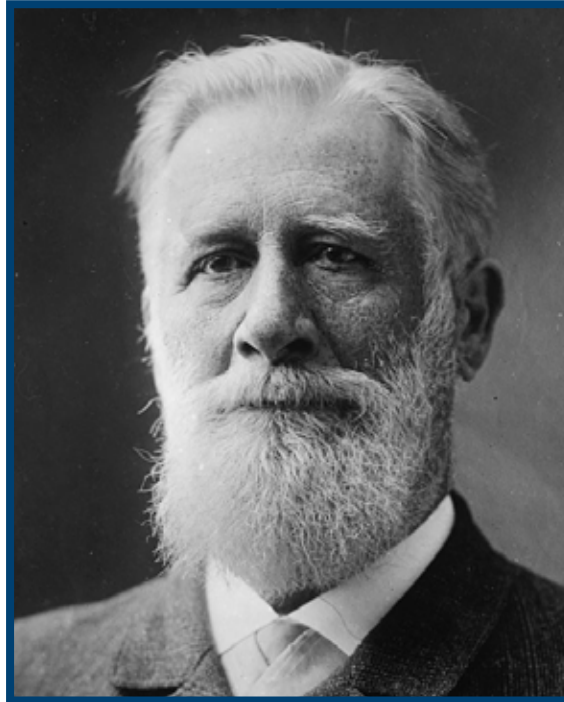
Perhaps the simplest way to indicate the theoretical base and practical effect of this 'right-wing' politics is through an idea which von Gierke and Maitland have argued to be essential to the understanding of European politics: the idea of corporate personality.

Roman Law, the *Genossenschaftsrecht* of medieval Germany, the English law of trusts and corporations — all such legal systems recognize that the features of individual human beings, whereby we are moved to praise or blame them, to accord to them rights and liabilities, to oppose them and to ally ourselves with them, can be displayed by collective entities. Such systems also recognize that collective agency is a danger, until brought before the law as a composite person, equal to the individual whom it threatens to oppress. A university, a trading company, a club, an institution, even the state itself: all may be endowed with 'legal personality', and so made answerable before the law. (Hence the existence of 'unincorporated associations' is regarded as a legal *problem*.) A trading company can perform actions which are the actions of no individual. It has reasons for what it does. It may behave rationally and irrationally in pursuit of its goals. It has rights in law: rights of ownership, trade and action; rights of way, light and air; rights of usufruct and interest. It also has duties and liabilities: duties according to the law of contract, tort and crime. The factory which pollutes a river can therefore be compelled to compensate those who suffer. It can also be charged with a crime, and fined to the point of bankruptcy. By this device of corporate liability, the 'capitalist' world has ensured that, wherever there is agency, there is also liability.

## The Rule of Law

Convinced of the absolute evil of domination, the leftist sees his task as the abolition of power. He is therefore impatient with those institutions which have the *limitation*, rather than the abolition, of power as their primary object. Because these institutions stand in the way of power, and because the violent overthrow of the old order requires a greater power than that upon which it rested, the leftist inevitably sanctions the destruction of limiting institutions. And once destroyed, they are never resurrected, except as instruments of oppression. They are never again turned against the power that the leftist himself installed, but only against the power of his ancestral enemy, the 'bourgeois', who for some reason continues to survive in the hidden crevices of the new social order.

Our European systems of law, patiently constructed upon the established results of Roman Law, Canon Law and the common laws of the European nations, embody centuries of minute reflection upon the realities of human conflict. Such legal systems have tried to define and to limit the activities of every important social power, and to install in the heart of the 'capitalist' order a principle of answerability which no agent can escape.



German philosopher and sociologist Otto von Gierke (1841-1921). Courtesy of the U.S. Library of Congress.

The rule of law is no simple achievement, to be weighed against the competing benefits of some rival social scheme and renounced in their favour. On the contrary, it is definitive of our social condition and represents the high point of European political achievement. There is a rule of law, however, only where every power, however large, is subject to the law and limited by it.

## Politics of the Right

It is against the reality of totalitarian governments, I believe, that our own laws and institutions should be judged, and the 'right' point of view defended. The matter could be put simply: our inherited forms of government, founded upon representation, law and autonomous institutions which mediate between the individual and the state, are also forms of *personal* government. The state as we know it is not a thing but a person. This is true not only in the legal sense but in a deeper sense, once captured in the institution of monarchy but displayed more widely and more discreetly through the rule of law. Like every person, the state is answerable to other persons: to the individual subject, to the corporations and to other states. It is also answerable to the law. It has rights against the individual and duties towards him; it is tutor and companion of society, the butt of our jokes and the recipient of our anger. It stands to us in a human relation, and this relation is upheld and vindicated by the law, before which it comes as one person among others, on equal footing with its own subjects.

Such a state can compromise and bargain. It is disposed to recognize that it must respect persons, not as means only but as ends in themselves. It tries not to liquidate opposition but to accommodate it. The socialist too may influence this state, and provided that he recognizes that no change, not even change in his favoured direction, is or can be 'irreversible', he presents no threat to its durability.

The immense human achievement represented by such a state is neither respected nor even noticed by the New Left radical. Bent on a labour of destruction,



he sees behind the mask of every institution the hideous machinery of power. For him there is, in the end, no real difference between the impersonal, abstract power of, say, a Marxist regime, and the personal, mediated and concrete power of the 'bourgeois democracies'. By demoting law and politics to epiphenomena, and by seeing all states as 'systems' based on structures of economic organization and control, the New Left radical effectively removes from his perception all the real distinctions between the world of representative government and the world of left-wing ideology. He sees, not the personal face of Western government, but the skull beneath the skin. He compares societies as an anatomist compares bodies: recognizing the similarity in function and structure and failing to see the person, whose rights, duties, reasons and motives are the true objects of our concern.

### Conclusion

The inhuman politics of communist governments and totalitarian regimes is the objective realisation of the Marxist vision of society, which sees true politics as no more than a mendacious covering placed over the realities of power. For such a vision, political systems can no longer be judged as persons — by their virtues and vices and by the movement of their intrinsic life — but only by their goals.

The excuses that used to be made for the Soviet Union originated, not in a love of tyranny, but in the failure to *perceive* tyranny when its goal is also one's own. Whatever 'errors' had been committed in the name of communism, it was supposed, they had been the work of individuals, such as Stalin, who perverted the system from its true and humanising purpose. (It is an important fact about religion — illustrated by Boccaccio's story of Jeahannot and Abraham — that, for the faithful, it is not refuted but rather confirmed by the actions of its bad practitioners.)

Despite this devotion to goals — a devotion which is in itself at variance with the spirit of European law and government — the radical is extremely loath to tell us what he is aiming at. As soon as the question of the 'New Society' arises, he diverts our attention back to the actual world, so as to renew the energy of hatred. In a moment of doubt about the socialist record, E.J. Hobsbawm wrote: "If the left may have to think more seriously about the new society, that does not make it any the less desirable or necessary or the case against the present one any less compelling".

There, in a nutshell, is the sum of the New Left's commitment: We know nothing of the socialist future, save only that it is both necessary and desirable. Our concern is with the 'compelling' case against the present that leads us to destroy what we lack the knowledge to replace. A blind faith drags the radical from 'struggle' to 'struggle', reassuring him that everything done in the name of 'social justice' is well done and that all destruction of existing power will lead him towards his goal. He desires to leap from the tainted world that surrounds him into the pure but unknowable realm of human emancipation. This leap

into the Kingdom of Ends is a leap of thought, which can never be mirrored in reality. 'Revolutionary praxis' therefore confines itself to the work of destruction, having neither the power nor the desire to perceive, in concrete terms, the end towards which it labours. By an inevitable transition, therefore, the 'armed doctrine' of the revolutionary, released in pursuit of an ideal freedom, produces a world of real enslavement, whose brutal arrangements are incongruously described in the language of emancipation: 'liberation', 'democracy', 'equality', 'progress' and 'peace' — words which no prisoner of 'actual socialism' can now hear uttered without a pained, sardonic smile.

So much is perhaps obvious to those who have not succumbed to the ideological temptation of the left. But the consequence is not always accepted. The 'right' — which in this context means those who defend personal government, autonomous institutions and the rule of law — does not, after all, bear the onus of justification. It is not for us to defend a reality which, for all its faults, has the undeniable merit of existence. Nor is it for us to show that the consensual politics of Western government is somehow closer to human nature and more conducive to man's fulfilment than the ideal world of socialist emancipation. Nevertheless, nothing is more striking to a reader of the New Left than the constant assumption that it is the 'right' which bears the burden and that it is sufficient to adopt the *aims* of socialism in order to have virtue on one's side.

This assumption of *a priori* correctness, added to the turgid prose and the sheer intellectual incompetence of much New Left writing, presents a formidable challenge to the reader's patience. No doubt I have frequently been driven, in my exasperation, to lapse from accepted standards of literary politeness. But what of that? Politeness is no more than a 'bourgeois' virtue, a pale reflection of the rule of law which is the guarantee of bourgeois domination. In engaging with the left one engages not with a disputant but with a self-declared enemy.

Nobody has perceived more clearly than the reformed totalitarian Plato that argument changes its character when the onus is transferred from the man who would change things to the man who would keep them secure: "How is one to argue on behalf of the existence of the gods without passion? For we needs must be vexed and indignant with the men who have been, and still are, responsible for laying on us this burden of argument". Like Plato's wise Athenian, I have tried to pass the burden back to the one who created it. ■

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