

Conservatism and Pragmatism in Law, Politics, and Ethics. Seth Vannatta. London and New York: Palgrave Macmillan, 2014, 296 pages, \$95.00 hardcover.

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Seth Vannatta's aim in *Conservatism and Pragmatism*¹ is to "unsettl[e] current discourse and ideological confusion by presenting a broad comparison of two traditions" of thought and practice, with an eye towards synthesizing their respective insights and strengths (p. 2). This project springs from the author's sense that the various and conflicting academic and popular characterizations of conservatism and pragmatism — treating them at times as dispositions, at other times as programs or ideologies — have left both in need of thoughtful reconstruction and clarification. While Vannatta is not alone in seeking to map the souls of conservatism and pragmatism, his effort to bring the two into systematic, mutually-informing conversation is distinctive and valuable.

The cornerstone of Vannatta's approach is to treat conservatism and pragmatism as "methods" of solving concrete problems, both practical and theoretical, that are "guided by various common norms" (p. 2). He suggests that, properly understood, conservatism and pragmatism are skeptical, fallibilist responses to Enlightenment doctrines of rationalism and human perfection. Both "eschew the false universalism of a priori thinking, and turn instead to localized, contextual, and experiential inquiry" (p. 3). Both counsel that thought and practice begin from and draw upon the accumulated wisdom of experience, rather than impose abstract first principles or the dictates of ideology. Custom, sentiment, and prejudice play important roles in our efforts to cope intelligently with the world, roles both more fundamental and more fruitful than speculative, abstract reasoning. The solution of problems and fixation of belief ought to proceed experimentally, moving gradually and tentatively from what is already understood or enjoyed, testing the new and provisional against the old and established. In respect of these common norms, human conduct amounts to chastened yet melioristic engagements with the world of experience through which individuals who enjoy common bodies of knowledge, institutions, and cultural achievements relate to one another as members of "an indefinite community of [. . .] inquirers" (p. 115). One of Vannatta's most interesting and fruitful claims is that conservatism and pragmatism are kindred stances, each having a congenital affinity for the attitudes and approaches of the other without entailing or reducing to the other. They are thus more satisfactory considered together than separately. Suitably combined,

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¹Page numbers for quotations from this book will be cited parenthetically throughout.

conservatism (represented by Edmund Burke and Michael Oakeshott) and pragmatism (represented by Charles Sanders Peirce and John Dewey) provide a rigorous method of reflection, deliberation, and practice that is appropriate to the full scope of human affairs. Building from these foundational claims, Vannatta explores the implications of the conservative, pragmatist method for history, law, ethics, and politics.

In both form and substance, the book is a search for a middle ground between the extreme of arid, dogmatic rationalism that effaces the importance of human character and context, on the one hand, and mere subjectivism or relativism that makes the contingencies of character and context the whole story, on the other. Vannatta explores the affinities, as well as the distinctions, between conservatism and pragmatism by way of a series of topical discussions dealing with their origins as reactions to the excesses of the Enlightenment, their respective contributions to the understanding of history, and their applications in the domains of law, ethics, and politics. Despite its relative brevity, the book's intellectual breadth is nonetheless impressive, and its discussion is learned and engaging. The author's treatment of conservatism and pragmatism as methods rather than as ideologies yields the work's perhaps most distinctive contribution to the existing literature and its most striking insights into its subject matter. Vannatta simultaneously challenges interpretations of the conservative tradition, such as Russell Kirk's, that see it at odds with pragmatism and deepens our understanding of how classical pragmatism, in the model of Peirce and Dewey, is internally governed by conservative principles that resonate with the views of Burke, Oakeshott, and Friedrich von Hayek. This creative and ambitious approach facilitates a nuanced appreciation of how conservatism and pragmatism might inform one another and better equip us to deal with concrete problems.

At the same time, however, the breadth and ambition of the book causes troubles for its project. In order to sketch the emergence, character, and implications of conservatism and pragmatism, Vannatta devotes significant attention to the views of thinkers as diverse as Descartes and Hegel, Locke and Hume, Kant and Reid — in addition to the core thinkers who orient his understanding of conservatism and pragmatism. The intellectual generosity demonstrated in the author's careful exposition of each thinker he discusses at times affords too much space to marginal characters and dilutes the discussion of the principals. This, coupled with the author's fragmentation and distribution of core thinkers and themes across many chapters and sub-sections, renders the work wider than it is deep.

There are also shortcomings regarding Vannatta's treatment of pragmatism. One is the disappointing opacity regarding the author's choice of representative pragmatist thinkers. Like most contemporary scholars of pragmatism, Vannatta looks to the classical pragmatists, and he participates in the highly visible contemporary trend of looking to Peirce. However, unlike Richard Rorty (1982), Cheryl Misak (2000), and Robert Talisse (2007), who more or less carefully explain why they look to specific forefathers, Vannatta presents Peirce and Dewey as self-evidently appropriate representatives of pragmatism properly understood. This relative oversight does not weaken the claims of the book — Peirce and Dewey serve the author's purposes admirably — yet it squanders an opportunity to make an explicit case for the interpretation of classical pragmatism that Vannatta presents. This limits the book's capacity to influence contemporary understandings of pragmatism, and makes it more likely to serve as an introduction to the uninitiated.

Equally subtle, but potentially more problematic, is the approach Vannatta takes in his exposition of pragmatism as a method. The author goes to pains to explore pragmatism's rejection of abstraction and first principles in favor of experience, practice, and

the solving of concrete problems. However, Vannatta's characterization of pragmatism often reads as a statement of the abstract, first principles of the method of methods, one fit for all occasions. Without careful illustration of the pragmatic method by way of concrete examples, the exhortation to proceed experimentally from the wisdom of experience and practice is as thin and unsatisfying as the exhortation to adhere to the dictates of reason or natural law. Vannatta frequently gestures towards such concrete applications, but only fully delivers in his discussion of the pragmatic jurisprudence of Oliver Wendell Holmes, Jr. The discussion of Holmes's legal realism and embrace of the common law method of adjudication illustrates the method of (conservative) pragmatism, putting flesh on a conceptual skeleton derived from Burke, Peirce, Dewey, and Oakeshott. The same depth is not, to my mind, sounded in the domains of history, ethics, and politics. This is problematic because, absent such concrete development, it is not apparent that jurisprudence can afford paradigm examples of historical understanding, ethical judgment, or political deliberation. This, again, is not so much an instance of faulty argumentation as it is a missed opportunity. Indeed, the opportunity is strikingly close at hand, at least with regards to politics. Oakeshott understood politics (which he characterized as the pursuit of what our current beliefs, values, and practices intimate but do not yet manifest) on analogy to the English tradition of common law adjudication — yet this bridge to politics (or to history and ethics) is never quite built (Oakeshott, 1991).

Lastly, it is somewhat surprising that the concept of inquiry (which was the name that both Peirce and Dewey gave to the methods they self-consciously championed) does not serve as the explicit, abiding thread that connects all of the book's various topical discussions together. Not only is inquiry at the heart of classical pragmatism, it is also the clearest point of contact between conservatism and pragmatism. It is in the practice of inquiry that pragmatism embodies a conservative principle, and the practice of pragmatist inquiry is what stands to rescue conservatism from mere reaction, nostalgia, and self-satisfied nay-saying. Vannatta frequently invokes the concept of inquiry, but without either explaining the difference between the Peircean and Deweyan inflections of the concept or supplying an overarching frame that systematically accommodates the views of both. This gap leaves uncertain whether the method the book champions is the author's own or one selectively borrowed from others. It also leaves undecided whether inquiry is merely one component of the method of conservative pragmatism or the entirety of that method. A great deal hinges upon this question. If inquiry is only one element of the method Vannatta valorizes, then its role and significance can only be understood in the context of the other elements. If it is the method, then conservative pragmatism can only be adequately understood by way of a painstaking, systematic account of inquiry. While the author supplies numerous partial discussions of intelligent, contextual problem-solving, these often proceed by way of contrast with Enlightenment rationalism (and thus often say as much about what inquiry is not as about what it is) and do not ultimately add up to a systematic account of a method. Vannatta thus perhaps demonstrates the value and timeliness of inquiry more than the nature or practices of inquiry.

However, these imperfections are forgivable in a work that defends a fallible, experimental method. Vannatta, to his credit, does not purport to exhaustively or authoritatively characterize or define conservatism, pragmatism, or their felicitous marriage. If one reads *Conservatism and Pragmatism in Law, Politics, and Ethics* as an instance of inquiry, addressed broadly to some of the most perennially salient and consequential modes of human thought and conduct, then it clearly exemplifies some of the signal strengths of conservative, pragmatist inquiry. Vannatta strives to understand better what we are already doing and what, to varying extents, we already understand. The result is

an account of historical, ethical, legal, and political inquiry that neither surrenders to nor denies the conditions of context that both prompt and condition human efforts to be at home in the world. In this regard, Vannatta's work is in conversation not only with contemporary scholarship on conservatism and pragmatism, but also with thinkers such as Bryan Garsten (2006) and Adam Adatto Sandel (2014) who explore the anatomy, aspirations, and deficiencies of our Enlightenment inheritance. The lasting contributions of *Conservatism and Pragmatism* are likely to be its invitation to think of intellectual traditions in methodological rather than ideological terms, and to recognize the potential for two important modern intellectual traditions to inspire and inform one another.

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