THE TELEGRAPH

It's time to come off the fence: I'm a conservative

Nigel Biggar has been ennobled by the Conservative Party leader

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Credit: Tom Pilston

"It's time you came off the fence, Nigel." So counselled conservative philosopher Sir Roger Scruton, turning half-around as he walked away from my Oxford front-door one sunny afternoon in 2016. He'd come to look at Christ Church's wine-list (and was leaving impressed). But we'd also talked politics. I'd told him that I preferred not to be boxable, maintaining room for manoeuvre. "Whether I'm conservative or liberal, Roger," I said, "depends on (a) what I'm talking about and (b) whom I'm standing next to". At the time, I subscribed to both *The Guardian* and *The Times*.

Scroll forward six years to June 2022. Grown depressed by what Peter Hennessy once described to me as its relentless "litany of complaint", I've cancelled the *Guardian*. I'm on

the House of Lords' riverside terrace, being lunched by my long-time mentor, Richard Harries, formerly bishop of Oxford, now Baron Harries of Pentregarth. Richard leans over the table and counsels me, "Don't get labelled 'conservative', Nigel. Conservatives don't believe in anything. They're just pragmatists". I mumbled a non-committal response. But I thought to myself, "I don't doubt there are conservatives hungry for power without much idea what to do with it, and others who believe in little but low taxes and deregulation, but I'm not one of them". Then my next vocation spoke: "It's time to nail your colours to the mast and explain what a deeper conservatism looks like".

So, in this season of enforced political Lent, when Tories are ruing their recent sins of commission and omission, and wondering what sort of repentance might hasten their party's resurrection, I offer my own confession of what a conservative should be. But while others examine the entrails of polls and focus-groups to divine vote-winning policies, I step back to reflect on the deeper springs of a conservative point of view. Like Kemi Badenoch, I want to recover first principles.

I didn't so much jump, as ease off the fence. I was also somewhat pushed. But the direction of travel had been set early on. I was a child *in* the sixties, but not *of* them. I never trusted the frivolous trashing of the past. While I laughed at Monty Python's mockery of Battle of Britain pilots, made ridiculous with their plummy accents and handlebar-mustaches, my laughter was uneasy.

After all, under thirty years before, such men had risked their twenty-something lives to save the nation from Nazism, some of them burning alive in their cockpits. So, while my (late) elder brother was swallowing hashish-filled condoms for smuggling onto flights from Nairobi to Glasgow, I performed my first act of conservative rebellion: while churches were starting to show more seats than bums, and to the bemusement of my churchless parents, I converted to Christianity.

A main reason was my attraction to the Christian vision of human life as a moral adventure, made heavy with meaning because so much is at stake for good or ill. It endows our little lives with significance by investing them in things whose lasting value we receive as given: caring for others' well-being, doing justice, maintaining integrity, knowing the truth, preserving what's beautiful. Seen thus, human dignity is a by-product of serving objective "goods". It's given from above, so to speak, not invented from below.

That's why I support the conservation of Britain's traditional, mixed constitution. A good political constitution certainly needs a part where rulers are made sensitive to those they rule—an elected legislature whereby the people can hold their government to account and stop it in its tracks. It needs a democratic element.

But it needs more than that. The people can be corrupt and popular majorities can be seriously unwise – after all, Hitler was elected by due democratic process. Moreover, popular election can't guarantee a body of legislators all the expertise it needs. A few years ago, for example, the House of Commons didn't contain a single medical doctor. So, a healthy political constitution needs a way of importing expertise into the legislature – by appointment to an unelected Upper House. It needs an aristocracy of wisdom.

It also needs a monarch who symbolises the accountability of the whole nation – king and people, rulers and ruled, government and opposition – to given values and principles of justice that are not the passing creatures either of royal fiat or of majority vote. That's what the coronation ritual embodies, when the monarch gets onto his knees to receive the crown – the symbol of political authority – not from below, but from above. Not from the fickle people, but from the constant God.

Growing up in the shadow of the Second World War – I arrived only ten years after its end – imbued me with the conviction that violent force is sometimes necessary to fend off great evil. My mild-mannered father was transported from the gentle Galloway hills of Scotland to the war-torn Apennines of northern Italy, and I have climbed the modest mountain where, in October 1944, he found himself trapped in no-man's land as a stretcher-bearer. Though spared his fate, I've read enough to know of war's horrors.

Nonetheless, I continue to think that the use of hard power is sometimes – lamentably, tragically – necessary. So, in 2013 I published a book about the ethics of violence, drawing on the sixteen-hundred-year-long Christian tradition of "just war" thinking. Provocatively titled, *In Defence of War* opposed itself to "the virus of wishful thinking", borrowing a phrase from Michael Burn's extraordinary 2003 autobiography, *Turned toward the Sun*.
But while Burn was referring to his naive 1930s hope that Hitler would turn out okay, the virus I had in mind was pacifism – the idea that war is always and everywhere morally wrong – and the "progressive" aspiration to abolish it through international law. If war invariably causes dreadful destruction, peace can permit it. Not going to war in 1994 was good for Britons, but not so good for the Tutsi in Rwanda: our staying at peace left the Hutu at peace to slaughter 800,000 of them. Peace, like war, is morally complicated.

Accordingly, I supported British military intervention for humanitarian purposes in Kosovo in 1999, Afghanistan in 2001, and Iraq in 2003. While each was flawed, none made me abandon the possibility of morally justified military intervention. What they did impress on me, however, was the importance of engaging the national interest. There's nothing necessarily immoral about this, since nations have morally legitimate interests that it's the primary duty of their governments to serve. So, while saving foreign peoples from grave political evils would be a good thing to do, it's perfectly reasonable for citizens to ask why *their* uniformed sons, daughters, and siblings should be put in harm's way over *there,* in some distant part of the world.

This point was neatly made in 1796 by Edmund Burke, who was advocating British military intervention in France to stop revolutionary atrocities. Challenged to explain why he didn't also advocate intervention in equally deplorable Algiers, he replied, "Algiers is not powerful; Algiers is not our neighbour; Algiers is not infectious... When I find Algiers transferred to Calais, I will tell you what I think ...".

That is, while the British had a direct national interest in stopping revolutionary excesses in France, they had no such interest in stopping slave-raiding by Algiers. Since no one nation can save the whole world, the object of rescue must be selected. And national interest should help make that selection. What "progressive" idealists dismiss as hypocritical

inconsistency is actually a properly cautious – conservative – exercise of political prudence. And prudence is a virtue.

The year after my book on war had been published, my attention moved from the moral legitimacy of national interest to that of the nation itself. In September 2014, the referendum on Scottish independence was held. As an Anglo-Scot, born of a Scots father and an English mother and educated on both sides of the border, I had a dog in the fight: I was a visceral unionist. Nonetheless, I felt obliged to consider the arguments in favour of Scotland's independence, in case Scottish separatists might be right. As a Christian, I couldn't confuse the United Kingdom with God.

Nations aren't divine; they come and go. The UK didn't exist before 1707, the United States almost fell apart in the 1860s, and Czechoslovakia did fall apart in 1993. Maybe the separatists were right, and the UK had come to the end of its shelf-life. So, I listened. But after listening and reflecting, I concluded that Scottish independence was a dogmatic solution in search of a justifying problem.

On the other hand, I was dismayed by the strangled inarticulacy of advocates for the Anglo-Scottish Union as they struggled to explain what the United Kingdom is good for and why its disintegration would be bad for everyone. The Conservative government seemed able to argue only in the thin terms of pounds and pence, trying to woo voters to stay with the UK for the sake of a few hundred quid. Yet, a full 45 per cent of Scots voters defied them, enchanted by a vision of a Better Scotland. So, no, Stupid, it really wasn't all about the economy.

Unionist inarticulacy was partly an effect of the difficulty of describing the ground on which we'd long been standing, but it was also a symptom of a shrivelled notion of what matters to people. One of the referendum's benefits was that it forced unionists like me to lift up our feet, look down, and contemplate what it is that supports us. I discovered that the UK is good for three things beyond the economic advantages of a single market: an historic depth of multinational solidarity of which the European Union can still only dream, greater external security for liberal democracy, and upholding of a humane international order.

The Scottish referendum campaign revealed something else, too: the political potency of colonial history. One argument in favour of independence I met reduces to this equation: Britain equals empire equals evil. Independence, therefore, would be an act of national self-purification, in which Scotland would cleanse itself of complicity in Britain's imperial past, with its worldwide abuse of hard power, and sail off into a bright, new, shiny, pacifist, sin-free, European future. Having read about British imperial history for twenty years, I knew that the simplistic equation of empire with evil is historically untenable. Yes, the British Empire presided over a century-and-a-half of enslavement, but then it became one of the first states in the history of the world to abolish it, before devoting the second half of its life to suppressing it worldwide from Brazil to New Zealand. So, empire equalled both slavery *and, more recently, anti-slavery*, both oppression *and emancipation*.

What the Scottish separatist story made clear was the attractive power – greater than the lure of pounds and pence – of a morally uplifting national narrative, with which individuals

can identify. So I began to think that someone needed to expose the separatists' cartoonish denigration of the British imperial record and tell a truer and nobler story about it. That's why, in July 2017, I collaborated with John Darwin, the eminent historian of global empire, to launch an Oxford research project called "Ethics and Empire". While its aim wasn't directly to defend the British imperial record, it did assume that empire could sometimes be a legitimate form of government.

After May 2020, when the Black Lives Matter movement came over the Atlantic in the wake of George Floyd's murder in Minneapolis, the political potency of colonial history became even clearer. Here, the BLM narrative is that Britain today is systemically racist; that our systemic racism stems from our colonial past, which can be summed up in the word "slavery"; and that, therefore, we must repudiate that past – "decolonise" – to exorcise our persistent racism. This narrative hasn't only inspired the toppling of statues and erasing of names; it's also misshaping our foreign policy – most recently by justifying David Lammy's disastrous surrender of the strategically vital Chagos Islands to a Chinese ally.
That's why, in February 2023 I published an alternative, even-handed history in the form of *Colonialism: A Moral Reckoning*.

It was my nuanced view of the British colonial record that caused me to be dragged into the Culture Wars. In late November 2017 I published an article in the *Times*, arguing for what I thought was the incontestable view that we British can find in our colonial past cause for *both* shame *and* pride. Then in early December, I published an online description of the Oxford research project. That was enough to provoke Dr Priyamvada Gopal of Cambridge University to tweet her allies in Oxford, "OMG. This is serious sh*t. We need to SHUT THIS DOWN".

Shortly afterwards, in the space of a week, three mass denunciations were published online, the last signed by almost two hundred academics worldwide, demanding that Oxford University take the project out of my hands. Consequently, John Darwin abruptly jumped ship, Oxford historians declared an official boycott, the project was temporarily stalled, friends and colleagues stepped nervously away from me, and sympathisers insisted on meeting where no one could see us.

That's what pushed me off the fence: the repressive aggression of the "progressive" left, supported by the timidity of the conflict-averse centre. And that's what made me aware that free speech and academic freedom are under threat in our universities. Believing that all human views are fallible and need testing, in order to expose falsehoods and come nearer the truth, I took up the fight to conserve the cultural climate of free inquiry that I had hitherto taken entirely for-granted. I became chairman of the Free Speech Union and led a body of academics in shaping and promoting the Higher Education (Freedom of Speech) Act 2023, now set aside by the Labour government.

Yet while I believe in the importance of legal rights in shoring up liberties such as the freedom to speak one's mind, I don't buy into the absolutism of rights-advocates. Apart from a few legal rights that ought to obtain always and everywhere – say, against torture— whether and how a right should exist depends on the circumstances.

Take, for example, the current controversy over Israel's conduct in Gaza. Some international lawyers hold the Israeli government guilty of a war crime for depriving the civilian population of their absolute, inalienable right to water. But that's nonsense. Suppose a situation where there's no water or no one can supply it. Or a situation where a state has an overriding obligation to defend its own people against an aggressor, but can't do so effectively while supplying water to the aggressor's civilians.

In such circumstances, how can those tragically deprived of water be supposed to have a right to what cannot or may not be delivered? A basic human need only amounts to a right where supply exists and delivery is possible and obligatory. The right comes and goes according to circumstances. So, whether or not civilians in Gaza have a right to water depends on Israeli intentions, their efforts to minimise civilian risks, and the importance of their military objectives.

Because I think that most rights are contingent upon circumstances, I'm deeply sceptical of lists or charters of abstract rights. Here, again, I find myself aligned with Burke in his denunciation of revolutionary France's Declaration of the Rights of Man. The problem with abstract rights is that they hand an unelected judicial oligarchy the power to override an elected legislature on highly controversial public issues, compromising the democratic legitimacy of the law. Thus, in 2015 the Supreme Court of Canada found the Canadian parliament in violation of Canada's Charter of Rights and Freedoms in failing to permit assisted suicide – despite the Canadian parliament's repeated and recent refusals to grant a right.

That's why I've come to the view that it would be best for the UK to withdraw from the European Convention of Human Rights and the jurisdiction of the Strasbourg court. While its defenders protest that the convention was largely a British creation, the truth is that the British government subscribed to avoid political embarrassment – and against the strong advice of the chief justice, who warned that subscription would hand a host of political hostages to judicial fortune. If the US, Canada, Australia, and New Zealand can manage without the supervision of an international court, I am confident Britain can, too.

In sum I believe that human dignity derives from serving objectively valuable "goods"; in Britain's traditional, mixed constitution, which recognises the importance of goods and duties that are given, not chosen; in the United Kingdom, because it continues to serve the good of its constituent peoples; in admiration for the humanitarian and liberal achievements of our imperial ancestors; in the unembarrassed pursuit of legitimate national interest; in the necessary use of hard power to fend off grave evils; in a liberal culture of free speech aiming to reach the truth more nearly; in well defined, legislated rights; and so in national independence of the European Court of Human Rights.

This creed is "conservative" because it seeks to conserve Britain's Christian tradition, its mixed constitution, the integrity of the United Kingdom, an even-handed appreciation of the worldwide achievements of our forebears, and the liberal culture of free thinking and speaking that took turbulent centuries to cultivate. Because, against "progressive" idealism, it affirms morally justified nations, national interests, national judicial independence, and military force. And because, with Burke and against abstract rights that authorise rule by a

judicial oligarchy's fiat, it asserts rights prudently defined in view of particular circumstances by democratic legislators.

So, Sir Roger, I have come off the fence: I confess I'm a conservative. But, no, Bishop Richard, that doesn't make me an unprincipled pragmatist, intent only upon gaining power, making money, and keeping them.

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