

**POLITICS IN A DIFFERENT MODE:  
AN APPRECIATION OF  
MICHAEL OAKESHOTT  
1901–1990**

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Michael Oakeshott's reputation as a philosopher has increasingly come to rest upon his political writings.<sup>1</sup> As unlikely as it may appear, he does have something in common with Karl Marx. They both understood ideology as a perversion and professed in their own writings to have escaped its insidious taint. Having identified the correct starting point, the material conditions of life in the case of Marx and the concrete historical traditions of a society in the case of Oakeshott, they both claimed to have produced non-ideological political philosophies. The same fate, however, has befallen them. Each now invariably takes his place in modern ideologies courses and books as an exemplary instance of the ideology he is said to espouse. While this may not be a terrible injustice in the case of Marx, Oakeshott's inclusion is certainly less explicable. Marx, of course, thought that the task of philosophy was to transform the world, whereas Oakeshott attributed to it the much more modest task of transforming our *understanding* of the world. Philosophy transforms what it theorizes, and those who participate in the activities theorized are not expected to recognize let alone concur with the view taken by the philosopher. The participant has no privileged status and the view which he or she has of the activity in which he or she is engaged, far from having any special authority, must be rendered suspect.<sup>2</sup> The political activist, for example, is liable to have become fixed in his or her principles with neither the time nor the inclination to reflect upon them and effect modifications in the light of such reflections. Oakeshott contends that:

A limitation of view, which appears so clear and practical, but which amounts to little more than a mental fog, is inseparable from political activity. A mind fixed and callous to all subtle distinctions, emotional and intellectual habits become bogus from repetition and lack of examination, unreal loyalties, delusive aims, false significances are what political action involves.<sup>3</sup>

A person engaged in such action is hardly likely to have anything profound to say about the character of the activity itself. On the other hand, the philosopher may have something profound to say about the fundamental postulates of the activity of poli-

<sup>1</sup> The two monographs devoted to Oakeshott's work focus principally upon his political philosophy. W.H. Greenleaf, *Oakeshott's Philosophical Politics* (London, 1966); and Paul Franco, *The Political Philosophy of Michael Oakeshott* (New Haven and London, 1990).

<sup>2</sup> Michael Oakeshott, *Experience and its Modes* (Cambridge, 1933), p. 88.

<sup>3</sup> Michael Oakeshott, 'The Claims of Politics', *Scrutiny*, VIII (1939–40), p. 148.

tics, but has nothing substantive to contribute to its conduct. In other words, there is a categorial distinction between theory and practice, or theorizing and conduct, which is insurmountable. All attempts to bridge the gap must necessarily end in error.

Oakeshott is completely contemptuous and disdainful of those so-called philosophers who purport to offer prescriptions for the better conduct of the practices they have examined and found wanting. Such a person is at once conceited and intellectually corrupt:

This deplorable character has no respectable occupation. In virtue of being a theorist he purports to be concerned with the postulates of conduct, but he mistakes these postulates for principles from which “correct” performances may be deduced or somehow elicited.<sup>4</sup>

Such was Oakeshott’s disdain for corrupting philosophy with practical political considerations that he refused to express an opinion on some of the most important political questions of the day. Robert McKenzie once asked him whether he favoured British entry into the European Community, to which Oakeshott replied: ‘I do not find it necessary to hold opinions on such matters.’<sup>5</sup>

To accuse Oakeshott of having ulterior practical motives or of being an ideologue, as so many critics often do, is to place him in the company of the theoreticians he deplored. This, to say the least, is a paradox which needs further investigation. Oakeshott himself acknowledges that the intensely practical nature of politics has a potentially corrupting influence on the philosopher. The philosopher does not always succeed in sustaining the level of disinterestedness intrinsic to his or her calling, and from time to time may succumb to the allure of public moralizing in moments of distraction and on extremely emotive issues. Such outbursts and interventions are not themselves the conclusions of philosophical reasoning which are by their very nature non-injunctive, but a disengagement from theorizing and a temporary relapse into a different mode of thinking. Although philosophers do not always suppress the preacher in themselves, ‘we must learn not to follow the philosophers upon these holiday excursions’.<sup>6</sup> It is the predilection to enquire where Oakeshott goes on *his* holidays which has generated so much misinterpretation of his political philosophy.<sup>7</sup> Even Paul Franco in his otherwise sensitive, but pedestrian, account of Oakeshott concludes with an injunction to do what for Oakeshott is impossible without committing a category error, and that is ‘to work out what this political philosophy means for political life as we know it’.<sup>8</sup>

<sup>4</sup> Michael Oakeshott, *On Human Conduct* (Oxford, 1975), p. 26.

<sup>5</sup> Cited in Joanna Mack, ‘The LSE: a Monument to Fabian Socialism?’, *New Society* (15 June 1978), p. 590.

<sup>6</sup> Oakeshott, *Experience and its Modes*, p. 1.

<sup>7</sup> This is best exemplified by the contributors, with the exception of Lee Auspitz, to the symposium published in *Political Theory*, 4 (1976).

<sup>8</sup> Franco, *Political Philosophy of Michael Oakeshott*, p. 236.

Oakeshott has on many occasions emphasized that a similarity in conclusions often disguises the fact that quite different reasons may be given by different philosophers in the course of establishing their purportedly similar conclusions. It is their reasons which differentiate philosophers from each other. What, then, are Oakeshott's reasons for distinguishing so sharply between philosophy and politics, or theory and practice? The answer to this question cannot be given without entering into what may be called, at the risk of being fashionable, Oakeshott's hermeneutical theory.<sup>9</sup> Comprehending what Oakeshott has to say about politics necessarily presupposes an understanding of what he has to say about the nature of interpretation itself.

All experience, for Oakeshott, is a world of ideas, or imaginings. Each world is conditional in that it rests on unquestioned postulates, yet each is defective in terms of its self-understanding and in the understanding it generates of the world. Philosophy is distinguished by the fact that it is unconditional insofar as each unquestioned assumption is an invitation to explore its conditionality.

What happens to us each and every time we interpret or understand is that we invoke the principles and procedures prescribed by the different worlds of ideas or imaginings. The conclusions we reach are conditionally intelligible only because they are sustained by the postulates in terms of which they are reached. They have no independent validity; cannot be confirmed by appeal to an external reality; and, cannot be introduced into any other world of ideas without irrelevance. It is because of their exclusiveness and because each is true for itself that none can confirm or deny the conclusions of the other worlds, nor act as the foundation upon which the others are built.<sup>10</sup> In Oakeshott's view there can never be an original *it*, or text, which is not itself an interpretation conceived in modally or idiomatically distinct terms.<sup>11</sup> He unequivocally states that there is no 'prior and fixed "something" upon which the interpreter works': in other words, 'text and interpretation are one and inseparable'.<sup>12</sup> The object of one's enquiry is necessarily the creature of the idiom in terms of which it is being understood.<sup>13</sup>

Each of the worlds of ideas is in fact a language in which we do not merely recite its literature, but also compose our own. The conclusions are not themselves prescribed, only the postulates or conditions which are invoked in order to reach the conclusions and without which the utterance would be unintelligible. Oakeshott initially distin-

<sup>9</sup> Oakeshott in fact confesses to having learnt a great deal from Dilthey. Michael Oakeshott, 'Rationalism in Politics: A Reply to Professor Raphael', *Political Studies*, 13 (1965), p. 90.

<sup>10</sup> Oakeshott, *Experience and its Modes*, p. 5; and Michael Oakeshott, *On History and other essays* (Oxford, 1983), pp. 2 and 26. For a fuller discussion of this theory see David Boucher, 'Overlap and Autonomy: the Different Worlds of Collingwood and Oakeshott', *Storia, antropologia e scienze del linguaggio*, IV (1989); and David Boucher, 'Collingwood and Oakeshott on the Relations between History and Social Science', *New Literary History*, forthcoming.

<sup>11</sup> Oakeshott, *Experience and its Modes*, pp. 31–2.

<sup>12</sup> *Ibid.*, pp. 196 and 113; and Michael Oakeshott, 'The Concept of a Philosophical Jurisprudence', *Politica*, 3 (1938), p. 204.

<sup>13</sup> Oakeshott, *On Human Conduct*, p. 17; and Oakeshott, *On History*, p. 2.

guished between practical participatory languages, like politics and morality, whose utterances were persuasive and injunctive, and explanatory languages, characterized by reflective theorizing, both of which he differentiated from the contemplative language of poetry.<sup>14</sup> Explanatory languages like history and science differ from practical languages in the clarity of their criteria of relevance; the appropriateness of these criteria to their conclusions; and the capacity of explanatory languages to identify errors and pronounce certain utterances out of character. Furthermore unlike practical languages 'they do not pretend to have injunctive force'.<sup>15</sup>

The distinction formulated in these terms was simply untenable because it effectively excluded explanation from practical languages like politics and morality. In *On Human Conduct* Oakeshott revised his position and acknowledged that both persuasion and explanation are appropriate to the activities of agents who diagnose and respond to practical situations. As a response to a persuasive act, which may be unintelligible, the performer may be asked for the supplementary act of explanation, which is not itself an act designed to bring about a wished for response but one which is meant to clarify the original act.<sup>16</sup> Similarly the element of 'doing' intrinsic to practical languages could not be entirely excluded from what he had called the explanatory languages. The latter category of languages he came to refer to as idioms or platforms of theorizing. History and the sciences are conditional idioms of theorizing, whereas philosophy is characterized by its determination to remain unconditional. To engage or invoke these idioms of theorizing involves an element of 'doing' in that knowledge is required of how to participate, but whereas in conduct the doing 'is intrinsic to the engagement', in theorizing it is 'incidental'.<sup>17</sup>

For Oakeshott history is the most appropriate idiom in terms of which to theorize human conduct, or practical activity. History assumes an order of enquiry which is categorially unambiguous, that is, it assumes the identification of a 'going-on' as an exhibition of intelligence, where individuals subscribe to practices, but are not determined by them. The sciences however predicate a different order of enquiry which identify a going-on as a process which things undergo, and which do not exhibit intelligence. Both conduct or practical life and history are idiomatically distinct languages within the categorially distinct order of enquiry which identifies goings-on as exhibitions of intelligence related to practices which must be learnt by those who sub-

<sup>14</sup> Michael Oakeshott, *Rationalism in Politics and other essays* (London, 1974: first published 1962), pp. 130, 132–3, 217, 308, 310, 321–2 and 327. A new and expanded edition edited by Timothy Fuller has recently been published (Indianapolis, 1991), see pp. 63, 65–6, 509–10, 191–2, 193–4, 205–6 and 211–12. Also see Michael Oakeshott, 'Learning and Teaching', in *The Concept of Education*, ed. R.S. Peters (London, 1967), p. 166. Michael Oakeshott, 'Political Laws and Captive Audiences', in *Talking to Eastern Europe*, ed. G.R. Urban (London, 1964), pp. 291–2; and Oakeshott, 'Reply to Raphael', pp. 89–90. Poetry was not identified as a distinguishable mode in *Experience and its Modes*, but instead was understood as an aspect of practical life.

<sup>15</sup> Oakeshott, *Rationalism in Politics*, p. 328 (revised edition, p. 212).

<sup>16</sup> Oakeshott, *On Human Conduct*, p. 49.

<sup>17</sup> *Ibid.*, pp. 34 and 35. Cf. p. 57.

scribe to them.<sup>18</sup> Contrary to the commonplace view history does not derive its ‘facts’ from, nor does it have its foundations, in practical life; and similarly the latter has nothing to learn from the idiomatically irrelevant mode of history.

Preston King has made the rather odd claim that by allowing for the fact that modes other than history have their own notions of the past, Oakeshott has in fact compromised his whole position on the question of autonomous modes or idioms.<sup>19</sup> King appears to think that to admit that science, poetry and practical life all have their own pasts necessarily means that they must all have historical dimensions. This is a very confused and distorted view of the implication of Oakeshott’s position. Each of the pasts related to the various activities is distinct and autonomous. These activities or idioms do not merely offer different perspectives on the past: each creates its own past in terms of its procedures and postulates. They do not even create their own pasts out of the same evidence because there is no distinction between the evidence and its interpretation. Evidence itself, insofar as it is recognized as evidence, is the creature of the interpretative idioms. The point which Oakeshott insists upon is that the other idioms do not have histories unless they are endowed with them by historians.<sup>20</sup> The idioms or modes all have their own idiomatically relevant pasts which they may wish to call histories and which they use in some way to further their idiomatic understandings, but history in its strict sense is an autonomous manner of theorizing with no relevance to the other distinct idioms.

In practical life or conduct, which encompasses the language of politics, there are idiomatically distinct procedures for evoking a past, and in which the categories of past, present and future stand in a special relation. The past is a useful past comprised of examples, evoked in the present with a view to affecting future conduct. The past and future are seen in terms relative to our present selves. Practical activity is a present–future relation in which the past it evokes is understood in terms of its worth to us in bringing about a future condition. It is a past inseparable from the injunctive force which the participants invested in it.<sup>21</sup> In practical life our present encapsulates our past: in other words we are to some extent the outcome or residue of all that may have happened to us irrespective of it being remembered, or recollected. The remembered past is in fact our consciousness of our own continuity, which is to be distinguished from the recollected past which we periodically consult for guidance to further our current practical concerns. It is a past of heroic deeds, cautionary parables, moral lessons, exemplars and images to be emulated. For Oakeshott, ‘this is a “living” past which may be said to “teach by example”, or more generally to afford us a current

<sup>18</sup> These distinctions are presented in *On Human Conduct* and constitute a modification of his earlier views in *Experience and Its Modes* and *Rationalism in Politics*. Previously practical life and history were categorially distinct. To avoid the possibility of the idioms being compromised by the suggestion that they may suffer reduction one to another, in *On History* Oakeshott reverts to identifying history and practical life as categorially distinct.

<sup>19</sup> Preston King, ‘Michael Oakeshott and Historical Particularism’, in *The History of Ideas*, ed. Preston King (London and Canberra, 1983), p. 6.

<sup>20</sup> Oakeshott, *On History*, p. 5.

<sup>21</sup> *Ibid.*, p. 14.

vocabulary of self-understanding and self-expression'.<sup>22</sup> It is a past which has nothing to do with history. It is invoked by practical activity and remains in the idiom of practicalities: it is imbued with moral judgments, and the individual's purposes and intentions which are idiomatically excluded from history. The past in history 'is without the moral, the political or the social structure which the practical man transfers from *his* present to *his* past'.<sup>23</sup>

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Oakeshott's many essays on politics, although not comprising a system, betray a certain unity in that they persistently explore and develop common themes, even though the vocabulary in terms of which these themes are discussed is constantly modified. He identifies and articulates what he calls 'ideal characters', exposes the postulates which determine their conditionality and subjects them to interrogation. Because philosophy is not itself a substantive voice in the conversation of mankind in that it does not make, recommend or circumscribe its subject, Oakeshott is compelled to demonstrate the authenticity of his ideal characters by tracing their emergence and development in European history. This is the point in Oakeshott's chain of reasoning which contains the weakest link. In his accounts of the emergence of the famous 'rationalist', of 'mass man', and of demonstrative political discourse, for example, we get highly selective, severely foreshortened and over-schematic accounts of identities which are deemed to have come into existence and changed over time. It is quite clear, however, that these accounts do not by any stretch of the imagination satisfy the criteria, nor subscribe to the practices, which Oakeshott has identified as the differentiae of the historical mode of enquiry.

Even though Oakeshott frequently refers to 'European history' and declares that he proposes 'to engage in a piece of historical description',<sup>24</sup> what he offers is something quite different, which he acknowledges in his account of the emergence of the rationalist:

The ambition of the historian is to escape that gross abridgment of the process which gives the new shape a too early or too late and a too precise definition, and to avoid the false emphasis which springs from being over-impressed by the moment of unmistakable emergence. Yet that moment must have a dominating interest for those whose ambitions are not pitched so high.<sup>25</sup>

One may say that what he actually offers us is a philosophical past, or philosophical history. The problem is that Oakeshott's view of philosophy, or unconditional theo-

<sup>22</sup> *Ibid.*, pp. 19, 37 and 39. Cf. Oakeshott, *Rationalism in Politics*, p. 166 (revised edition, p. 181).

<sup>23</sup> Oakeshott, *Rationalism in Politics*, p. 154 (revised edition, p. 169).

<sup>24</sup> Oakeshott, *Rationalism in Politics*, revised edition, p. 365. 'The Masses in Representative Democracy' was first published in 1961 and is a new inclusion in this edition. Also see, Oakeshott, *On Human Conduct*, p. 185; and Michael Oakeshott, 'The Vocabulary of a Modern European State', *Political Studies*, XXIII (1975).

<sup>25</sup> Oakeshott, *Rationalism in Politics*, p. 13 (revised edition, p. 18).

riking, does not easily accommodate this philosophical past. Oakeshott has extensively discussed the practical and historical pasts, how they are evoked and how they differ.<sup>26</sup> The past does not itself exist. It is a postulate or presupposition of the activities to which it is related, and in this respect it is conditional. Philosophy or theorizing is distinguished by its determination to pursue unconditional knowledge, and to remain dissatisfied with all that is conditional. Strictly speaking there cannot be a philosophical past without renouncing the commitment to unconditionality. This is not to say that there cannot be a history of philosophy, just as there can be a history of science, but the point is that such histories cannot be philosophy or science. What I am suggesting is this: the past which Oakeshott invokes in his philosophical enquiries cannot itself be intrinsic to the activity of philosophizing, and either belongs to a determinate mode of conditional understanding or it is nothing. Because philosophy cannot begin *de novo*, there must be some conception of what philosophers have done before, and because philosophical enquiry must begin with everyday conceptions, not to extend but to transform their meanings, it is obvious that philosophy cannot be related to the practical or historical pasts because philosophical conclusions must stand on their own feet and cannot be authenticated with reference to non-philosophical criteria.

The philosophical past, one can infer from the little Oakeshott says about it, is one whose pastness is of little consequence. The present–past relation indicative of historical enquiry, and the present–future relation integral to practical life are absent from philosophy. The past in philosophy is ‘philosophically conceived, seen as a living, extemporary whole in which past and present are comparatively insignificant’.<sup>27</sup> We should not be deluded into thinking, then, that the ideal characters which Oakeshott distils from European history have anything to do with history at all: they are philosophical constructions philosophically conceived and presented ‘on the analogy of human history’.<sup>28</sup> In this respect I think Franco is quite wrong to suggest that Oakeshott’s critique of rationalism owes ‘as much to historical experience as to anything else’.<sup>29</sup> If it is the case that Oakeshott uses history as a critique, then he stands convicted of the most insidious of logical infelicities, namely irrelevance.

<sup>26</sup> The major examples of this are: Oakeshott, *Experience and Its Modes*, Chs. III and V; Michael Oakeshott, ‘History and the Social Sciences’, in The Institute of Sociology, *The Social Sciences* (London, 1936); Michael Oakeshott, ‘The Activity of Being an Historian’, in *Rationalism and Politics*; Oakeshott, *On History*, Essay I. Also see D. Boucher, ‘The Creation of the Past: British Idealism and Michael Oakeshott’s Philosophy of History’, *History and Theory*, XXIII (1984); and review of Oakeshott, *On History*, in *History of Political Thought*, V (1984).

<sup>27</sup> Oakeshott, ‘Concept of a Philosophical Jurisprudence’, p. 359. Here he is specifically talking of the tradition of jurisprudence, but it is clear that when he talks of philosophy’s own past, or the past in relation to philosophy, the same understanding applies.

<sup>28</sup> Michael Oakeshott, *Hobbes on Civil Association* (Oxford, 1975), p. 7. Here Oakeshott is specifically referring to the tradition of Will and Artifice in the history of political philosophy.

<sup>29</sup> Franco, *Political Philosophy of Michael Oakeshott*, p. 125.

History is a disinterested activity seeking to know the past for its own sake, and is incapable of confirming or denying the conclusions reached in any other mode.<sup>30</sup>

What, then, are the ideal characters in terms of which political activity can be understood? Oakeshott's contribution to political philosophy has been the exploration of two notionally distinct and categorially opposed understandings of the mode of association which characterize the modern European state, and one of which has come to dominate conceptions of South American and African states. Neither of the ideal characters in terms of which the state has been understood is found in a pure form, and each is always found qualified by the other, although neither is inherently in need of the other. They are found together as characteristics of the modern European state, not by logical implication, but contingently as the outcome of human choices. Even though the one has in recent times gained the favour of many theorists, they are not related to each other 'as dominant and recessive dispositions'.<sup>31</sup> While it is clear which one Oakeshott favours as appropriate to the understanding of a state, it is equally clear that he acknowledges the importance of the other and is not recommending its expulsion from the activities of the modern state. In fact, it is the polarization of the two conceptions of the state, related to each other as 'sweet enemies',<sup>32</sup> which in Oakeshott's view enables us to understand the fundamentally ambivalent character of the modern state better than any of the almost useless labels like right and left, or conservative and liberal, current in the modern political vocabulary.<sup>33</sup>

The first of the ideal characters in terms of which the modern European state has been understood is 'civil association', '*societas*', 'nomocracy' or 'libertarianism'. It is associated with the emergence of the 'individual' in early modern Europe, and the flourishing of personal freedom. The modern individual arrives on the scene most notably in Italy with the demise of medieval communal life, and is characterized not by subservience to a master or lord but by being accustomed to making choices for himself.<sup>34</sup> For this new individual: 'Every practical undertaking and every intellectual pursuit revealed itself as an assemblage of opportunities for self-enactment'.<sup>35</sup> The rise of this individualism was the most significant event in modern European history (philosophically conceived!). Oakeshott's fascination with Hobbes is explicable

<sup>30</sup> Oakeshott says, for example: 'It is an autonomous manner of understanding, specifiable in terms of exact conditions, which is logically incapable of denying or confirming the conclusions of any other mode of understanding, or indeed of making any relevant utterance in respect of it.' Oakeshott, *On History*, p. 2. There can be no doubt that the ambivalence is in Oakeshott's work itself. He says, for instance, in *On Human Conduct* that the efficacy of his views about two prevalent dispositions 'depends upon the identification of these dispositions as historic self-understandings' (p. 325).

<sup>31</sup> Oakeshott, *On Human Conduct*, p. 323.

<sup>32</sup> *Ibid.*, p. 326.

<sup>33</sup> For a discussion of the poverty of the modern political vocabulary see Michael Oakeshott, 'Talking Politics', in *National Review* (5 December 1975), reprinted in the revised edition of *Rationalism in Politics*.

<sup>34</sup> Michael Oakeshott, 'The Masses in Representative Democracy', reprinted in the revised edition of *Rationalism in Politics*, p. 364.

<sup>35</sup> Oakeshott, *On Human Conduct*, p. 240

by the fact that it was he who was the first ‘to take candid account of the current experience of individuality’.<sup>36</sup>

The manner of political discourse which becomes this individual is persuasive, as all political discourse must be, but not demonstrative. Its currency is probabilities and conjectures, rather than proofs and disproofs of political propositions. It is persuasion by argument, rather than demonstration.<sup>37</sup> This individual who speaks a non-demonstrative political language is related to other individuals, not by an agreement or contract to pursue common aims and goals, but by a common acknowledgement of the authority of *respublica*, where this acknowledgement does not preclude the possibility of questioning the desirability of the laws which emanate from that authority.

The individuals, or *cives*, subscribe to a practice composed of rules, or *lex*, which are non-instrumental insofar as they are not directed to the attainment of a substantive goal or end. They are not rules commanding substantive actions of assignable agents, they do not tell us what to do and what not to do, but instead set the conditions which have to be acknowledged and taken into account in formulating our own purposes and performing our own substantive actions.<sup>38</sup> This common acknowledgement of the authority of *respublica* and the subscription to a practice composed of non-instrumental rules is what Oakeshott calls the rule of law. It is not sufficient in itself to identify civil association with the rule of law, because what is important ‘is the kind of law: “moral” or instrumental’.<sup>39</sup> For Oakeshott the rule of law is a moral practice in which citizens or *cives* are related in their common acknowledgement of authority, and in which the laws articulate and impose obligations without assigning the performance of specified actions to designated persons in order to achieve a desired substantive result. The rule of law, then, is a mode of moral association which specifies the ‘procedural conditions’ subscribed to in the performance of substantive actions. Invoking Hobbes, Oakeshott contends that the rule of law does not determine actions, but is ‘the measure of the good and evil of actions’.<sup>40</sup>

The state has everywhere been a form of compulsory association, and it is only when understood as a civil association in which *cives* are related to each other in terms of the rule of law, where the law is moral and not instrumental, that the individual’s moral autonomy is preserved in that he or she chooses his or her own purposes in performing substantive actions which are not imposed by the state. In this respect there can be no place in the understanding of a state as civil association for a theory of distributive justice. Distributive justice requires a substantive end to be posited and imposed, with rules which are instrumental to its attainment, and these are features alien to civil association. Here Oakeshott certainly parts company with Rawls, but he

<sup>36</sup> Oakeshott, *Rationalism in Politics*, revised edition, p. 367.

<sup>37</sup> Michael Oakeshott, ‘Political Discourse’, published for the first time in the revised edition of *Rationalism in Politics*, p. 80.

<sup>38</sup> See Oakeshott, *On Human Conduct*, pp. 108–84, 203 and 254.

<sup>39</sup> *Ibid.*, p. 318.

<sup>40</sup> Michael Oakeshott, ‘The Rule of Law’, in *On History*, p. 150

is also at variance with Hayek who justifies minimal state activity on substantive economic grounds. Prosperity may be a contingent consequence of civil association but it cannot be the ground for recommending it, because such a recommendation would actually prescribe a different form of association.<sup>41</sup>

What Oakeshott has attempted to do is to purge our understanding of the state in terms of civil association of any substantive economic considerations which have from time to time been invoked to recommend the degree and scope of state activity, whether it is invoked on the side of the interventionist, or minimalist. Understanding civil association is not a matter of equating it, as Nozick does, with the minimalist state, this is merely to confuse the degree of state activity with the kind. It is the mode, not the degree of state activity which concerns Oakeshott. Civil association is a distinct mode of understanding the modern European state from which nothing can be deduced about the amount of state activity permissible: it specifies only the type of activity permissible.

Civil association is an ideal character in terms of which we can understand the state, but it was never presented by Oakeshott as a comprehensive or complete account of the state. It is an attempt to legitimize the use of force by a state in morally justifiable terms appropriate to associates who have made no decision to join civil association. Nowhere in the practices of modern European states is civil association found undiluted by an alternative conception of their character.

Correlative with the emergence of the moral agent, or the individual accustomed to the responsibility of making moral choices, arose the anti-individual whose experience had ill-equipped him for the responsibility of moral action, and who longed for the life of the community in which decisions were made for him. In Oakeshott's view 'the "anti-individual" had feelings rather than thoughts, impulses rather than opinions, inabilities rather than passions, and was only dimly aware of his power'.<sup>42</sup> Individuality and moral choice were revolted against in favour of conceptions of the common or public good. Such a person generates an understanding of morality, rule and association commensurate with himself. Association understood as a framework of procedural non-instrumental rules is completely inappropriate for the anti-individual incapable of sustaining an individual life for himself, and who requires his substantive goals and purposes to be chosen for him. Such a person can be accommodated only in a state understood on the analogy of *universitas*.<sup>43</sup>

The state on this understanding is a compulsory enterprise association whose associates are joined not in a moral but a transactional or prudential relationship in the pursuit of common substantive goals, and in which the rules which govern the associates are instrumental to achieving the goals. On this understanding governing is a managerial activity.

The anti-individual, who may be referred to collectively as the masses, not because of their numbers but because of their rejection of individuality and longing for the

<sup>41</sup> Oakeshott, *Rationalism in Politics*, revised edition, p. 457.

<sup>42</sup> *Ibid.*, pp. 370–1.

<sup>43</sup> Oakeshott, *On Human Conduct*, p. 274

security of the community, required leaders who could direct him.<sup>44</sup> Leading or managing the masses requires a different mode of political discourse from that appropriate to ruling *cives*. The masses as an audience for political discourse are ill-suited to the non-demonstrative kind. Here persuasion takes the form of purported demonstration, which in the modern era has frequently taken the form of ‘scientific proof’.<sup>45</sup> The leader purports to prove the correctness of political proposals with reference to ‘indisputable’ axioms from which they can be deduced, or scientific laws of which the proposals are said to be instances.

It is Oakeshott’s famous rationalist who epitomizes the leader of the masses. The rationalist mistakenly believes that all practical knowledge can be abjured in favour of the technical knowledge acquired by the exercise of pure reason. Politics for the rationalist is a problem-solving activity, the solutions to which are capable of demonstrative certainty. Politics is capable of perfection in that the right answers are attainable, and diversity is discouraged on the ground that there can be only one right answer to a problem. The rationalist is preoccupied with certainty and believes in the sovereignty of ‘reason’, which means for him the sovereignty of technique. The rationalist equates politics with social engineering and devises plans or rules instrumental to achieving the substantive goals he has set.

Oakeshott contends, however, that the rationalist is under a fundamental misapprehension about the nature of human knowledge and its relation to political activity. What the rationalist purports to do is an impossibility. All concrete activity entails a combination of technical and practical knowledge. Technical knowledge is the distillation of an activity into a body of technical rules. Practical knowledge, unlike rules, cannot be taught and instead has to be imparted. Politics cannot simply be the application of technical knowledge to political problems, but must by necessity be combined with the practical knowledge inherent in the social practices of a society.

The state understood as an enterprise association whose laws are instrumental in achieving the substantive goals for which the associates are joined together in a common purpose, embodies a fundamental contradiction which undermines and compromises the moral freedom of the individual. Oakeshott contends that enterprise association is not by its very nature particularly ‘free’. An element of choice regarding responses to contingent situations is certainly allowed, but is severely restricted by the purpose to be pursued: ‘conduct here is either correct or incorrect’.<sup>46</sup> It is the choice to associate with or dissociate oneself from the common enterprise which constitutes the freedom in this mode of activity, and therefore ‘to make enterprise association compulsory would be to deprive an agent of that “freedom” or “autonomy” which is the condition of agency’.<sup>47</sup> The alternative to understanding the state

<sup>44</sup> Oakeshott, *Rationalism in Politics*, revised edition, pp. 370–4; and Oakeshott, *On Human Conduct*, pp. 275–6.

<sup>45</sup> Oakeshott, ‘Political Laws and Captive Audiences’, pp. 295–6; and Oakeshott, *Rationalism in Politics*, revised edition, p. 82.

<sup>46</sup> Oakeshott, *On Human Conduct*, p. 248.

<sup>47</sup> *Ibid.*, p. 181.

as a civil association *is* to see it as a compulsory enterprise association and thus to divest the associates of their freedom: ‘the member of such a state enjoys the composure of the conscript assured of his dinner. His “freedom” is warm, compensated servility’.<sup>48</sup>

This second mode of characterizing the state Oakeshott clearly regards as a mis-characterization because it is a denial of the essential moral basis of the state and offers a prudential rather than a moral justification for political obligation. To understand the state purely in terms of enterprise association is to miss its fundamental ambivalence as at once representing the two voices of enterprise and civil association, however faint a whisper the latter might be. This may be extended as a critique of such rational choice theorists as David Gauthier, not because he sees the state as enterprise association but because he fails to see it as anything else. Gauthier contends that if the state, or society, is to be rationally supported by its members it must be characterized as ‘a cooperative venture for mutual advantage . . . based on principles of expected-utility maximization’.<sup>49</sup> To justify the state or society in terms of substantive ends or outcomes is to deny its character as civil association and affirm it as an enterprise association, whatever concessions one may wish to give to procedural rules.

The historical efficacy of Oakeshott’s ideal characters may leave a lot to be desired. Indeed, his accounts of the rise of the individual are caricatures of the transformations which Michelet and Burckhardt tried to capture in their accounts of the flourishing of the renaissance man freed from the stultifying constraints of the ‘dark ages’, and such fanciful and poetic imagery in characterizing the past has long commanded the disapproval of historians, and certainly falls far short of subscription to the postulates of history as Oakeshott himself identified them. Such license may be permissible in philosophical history, but we are nowhere told, except by exemplification, what this entails.

Notwithstanding their ambivalent theoretical character Oakeshott’s two modes of association, related to each other as polar opposites and sweet enemies whose mutual implication is circumstantial rather than logical, must stand as the most fruitful candidates in terms of which to explore the relation between the citizen and political society. Oakeshott’s political philosophy, grounded in a sophisticated and fully articulated theory of interpretation, stands at the forefront of the modern revival of interest in citizenship and civil society, and points the way to liberating ourselves from the ossified contemporary political vocabulary whose well-worn clichés serve to obscure rather than illuminate the obligations of the citizen in the modern world.

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<sup>48</sup> *Ibid.*, p. 317.

<sup>49</sup> David Gauthier, ‘Justice as Social Choice’, in *Social Contract Theory*, ed. Michael Lessnoff (Oxford, 1990), p. 211. Cf. *ibid.*, p. 201.