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## MICHAEL OAKESHOTT AS LIBERAL THEORIST

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**I**N THIS ARTICLE, I INTEND to consider Michael Oakeshott as a theorist of the liberal state. It will be my contention that the theory of civil association that Oakeshott elaborates in *On Human Conduct*<sup>1</sup> is best understood as a restatement or reformulation of liberalism. It is true that Oakeshott himself does not use this term to style his political philosophy, finding it too ambiguous and loaded down with meanings that do not convey his own. Nevertheless, his theory of civil association, in its concern with liberty, its appreciation for individuality, and its defense of the rule of law cannot but be characterized as liberal.<sup>2</sup>

That Oakeshott can be seen as a liberal theorist does not mean, however, that he finds nothing wrong with liberal theory as it has traditionally been formulated. He does. That is why I speak of his political philosophy as a *restatement* or *reformulation* of liberalism. It is an attempt to purge liberalism of some of the more questionable metaphysical and ethical assumptions which have marked it since its inception. Two such defective assumptions are prominent in my account of Oakeshott's restatement of liberalism: first, the negative and abstract individualism which has marked liberal theory from Hobbes to Mill (or even Nozick); and second, the materialism or economism which has sometimes appeared to constitute liberalism's moral ideal.<sup>3</sup>

Insofar as he is a theorist of the liberal state, Oakeshott naturally has something to contribute to the contemporary debate over liberalism — a topic I take up toward the end of this article. This debate has largely been framed in terms of the antinomy of “deontological” liberalism (as represented by, say, John Rawls, Robert Nozick, Ronald Dworkin, and Friedrich Hayek) and “communitarianism” (as represented by Michael Sandel, Charles Taylor, Michael Walzer, Alasdair MacIntyre, and Richard Rorty, among others). What I shall argue is that Oakeshott does not fit neatly into either of these camps, and that as a result he in many respects transcends the limitations of both. More specifically, I shall argue that while Oakeshott's idea of civil

association as a noninstrumental, nonpurposive practice certainly has more in common with the procedural or juridical ideal of deontological liberalism, it nevertheless seems to answer, and therefore be less susceptible to, the criticisms that communitarians have leveled at the deontological project.

Before taking up the elements of Oakeshott's philosophical restatement of liberalism, one potential objection to my approach should be confronted: Is it really appropriate to call Oakeshott a liberal at all? As I have already pointed out, he himself does not use this term to characterize his position. And there is much in his work that seems to point in another direction. In *Rationalism in Politics*, for example (still probably Oakeshott's most widely read book), we seem to encounter a thinker who is less than enchanted with modern liberal and enlightened civilization.<sup>4</sup> The critique of rationalism which we find there is radically skeptical and encompasses such staples of liberalism as Locke's *Second Treatise*, the American founders, the Bill of Rights, and John Stuart Mill. Furthermore, in opposition to rationalism, we find a defense of the not terribly liberal notion of "tradition." All this is what is sometimes referred to as the conservative, Burkean, even Hegelian aspect of Oakeshott's thought. It is on the basis of this aspect that some commentators have concluded that Oakeshott, far from being a defender or expositor of liberalism, is indeed one of its severest critics.<sup>5</sup>

At least two considerations make this view untenable. In the first place, Oakeshott's critique of rationalism cannot be equated with a critique of liberalism simply. It is true that liberalism historically has been particularly prone to rationalism — prone, that is, to the rationalistic tendency to regard abstract principles, purposes, and ideals as the spring of political activity, self-contained and self-sufficient. Oakeshott joins both Burke and Hegel in criticizing this rationalistic and universalistic aspect of liberal thought. Nevertheless, there is no evidence to suggest that he sees this rationalistic tendency as in any way necessary or intrinsic to liberalism. Indeed, in his own reformulation of the doctrine, he attempts to grasp liberalism as a living, vernacular tradition instead of as a fixed body of abstract or "natural" rights. The second reason to question the characterization of Oakeshott as an antiliberal thinker is that there are too many themes (even in *Rationalism in Politics*) which link him directly to the liberal tradition: his emphasis on liberty, individuality, and the rule of law; his invocation of Hobbes; and so on. By the time he writes *On Human Conduct*, these liberal elements are quite prominent.

It is just this latter, liberal aspect of his thought which has led other commentators to see Oakeshott as a somewhat schizophrenic theorist, shuttling back and forth between a kind of Hegelian historicism, on one hand,

and a more conventional Hobbesian liberalism, on the other.<sup>6</sup> This view does at least have the virtue of recognizing the liberal elements in Oakeshott's thought. Nevertheless, it fails (I think) to grasp the profound unity of Oakeshott's thought and the distinctiveness of his restatement of liberalism. For me, Oakeshott's Hobbesianism or liberalism is not in tension with his Hegelianism. What makes his restatement of liberalism interesting and important is precisely that it successfully synthesizes these two strands of thought, combining liberalism with a sophisticated historical outlook.

The most complete statement of Oakeshott's liberal theory is, of course, to be found in his magnum opus, *On Human Conduct*. But it is next to impossible to figure out what Oakeshott is trying to do in that work without some understanding of the writings that precede it. Without some such understanding, it is especially difficult to appreciate the profoundly Hegelian sources of his argument. Therefore, I begin my analysis of Oakeshott's restatement of liberalism with a consideration of some of his early writings on political philosophy, especially on the history of political philosophy. From there, I go on briefly to consider *Rationalism in Politics*, mainly to bring out its continuity with Oakeshott's full-blown restatement of liberalism in *On Human Conduct*. I then sketch the basic features of this restatement in the third section of the article and conclude with a consideration of this restatement in the context of the broader debate over liberalism.

## I.

From the outset of his career, Oakeshott perceived an essential link between doing political philosophy and understanding its history. As he put it in an early article on the philosophy of law:

The greatest hindrances which stand in the way of a fresh and profitable start with the philosophical inquiry into the nature of law are the prevailing ignorance about what has been accomplished in this inquiry, and the prejudice, which springs from this ignorance, that little or nothing has been accomplished. . . . The philosophical inquiry into the nature of law is not something we can begin today *de novo*, and spin out of our heads and out of our present experience, without reference to what has gone before.<sup>7</sup>

He went on to suggest that at the top of the agenda for twentieth-century legal and political philosophy should be a thorough reconsideration of the *history* of legal and political philosophy, and in particular of the great texts that belong to that history. To get a better idea of what Oakeshott is trying to do

in his political philosophy, then, we must consider his reading of the history of political philosophy. In particular, we must concern ourselves with his understanding of the essential development of modern political thought from Hobbes through Hegel and the British Hegelians. For, as we shall see, his own political philosophy is closely linked with his reading of this tradition of modern political thought.

He begins, of course, with Hobbes. No account of Oakeshott's understanding of modern political philosophy can fail to come to terms with his interpretation of Hobbes. Hobbes is the political philosopher about whom Oakeshott has written most; and it is on his interpretation of Hobbes that much of Oakeshott's reputation still rests.<sup>8</sup> Why is Hobbes so important for Oakeshott? What is it in Hobbes that he finds crucial to all subsequent political philosophy?

The main significance of Hobbes for Oakeshott lies in his radical break with the rationalism of Plato and Aristotle and the natural-law tradition flowing out of them, and his revolutionary movement of will to the center of political philosophy. Hobbes is the first philosopher to put will, the individual will, as the basis of the state. Will here takes the place of reason as the master-conception of politics. For Hobbes, reason is always hypothetical, never categorical; it is therefore incapable of imposing duties or obligations. Legitimate authority can only derive from an act of will on the part of one who is obligated, that is, from individual consent. No philosopher, according to Oakeshott, not even Locke, has so emphatically made will or consent the basis of political authority.

It is thus Hobbes's voluntarism and individualism which receive the greatest emphasis in Oakeshott's interpretation. And he is particularly concerned to refute the charge that Hobbes, though an individualist at the beginning of his theory, ends up as some sort of absolutist. He reminds us in his Introduction to *Leviathan*, for example, that the rule of Hobbes's sovereign is not arbitrary but the rule of law, and that the silences of the law contain substantial freedom. But perhaps even more important than these considerations — and certainly more original — is Oakeshott's contention that freedom and authority are absolutely correlative concepts in Hobbes's political philosophy. As he puts it somewhat provocatively in his Introduction: "Hobbes is not an absolutist precisely because he is an authoritarian"; "it is Reason, not Authority, that is destructive of individuality."<sup>9</sup> The link here asserted between freedom and authority will play an important role in Oakeshott's own political philosophy; it forms the fundamental basis of his affinity with Hobbes.

Besides the charge of absolutism, Oakeshott is also concerned to refute the contention (of Strauss and Macpherson, among others) that Hobbes is to be seen as a "bourgeois" moralist — the author of a new "bourgeois" morality, a "bourgeois hedonist."<sup>10</sup> Oakeshott emphatically rejects this understanding of Hobbes's moral outlook (especially in his later essay, "The Moral Life in the Writings of Thomas Hobbes"). Hobbesian man he sees as driven not simply by fear and the desire for security but also by pride, honor, and magnanimity. And though he concedes it may at first appear that Hobbes defends the morality of the tame man by making fear of death the primary motive for endeavoring peace, he argues that there is evidence in Hobbes's writings of an alternative derivation of the endeavor for peace out of the passion of pride. Beyond that, Oakeshott argues that the suggestion of "a single approved condition of human circumstances for all conditions of men" in "bourgeois morality" sets it off from Hobbes's "morality of individuality," which involves no such common substantive purpose.<sup>11</sup>

With respect to this issue of "bourgeois morality," it is interesting to contrast Oakeshott's view of Hobbes with his view of Locke. For the bourgeois tendencies which he denies to the former, he generously ascribes to the latter. Most of the evidence for Oakeshott's view of Locke comes from a short article he wrote in 1932—the tercentenary of Locke's birth.<sup>12</sup> This is a fascinating document insofar as it reveals Oakeshott's profound dissatisfaction with a certain very prominent strand of liberalism, as well as the antibourgeois, radically individualistic springs of this dissatisfaction. The liberalism he criticizes is, of course, Lockean liberalism, which he characterizes in terms of its "boundless but capricious moderation." "Locke," he writes,

was the apostle of the liberalism which is more conservative than conservatism itself, the liberalism characterized not by insensitiveness, but by a sinister and destructive sensitiveness to the influx of the new, the liberalism which is sure of its limits, which has a terror of extremes, which lays its paralyzing hand of respectability upon whatever is dangerous or revolutionary.

Oakeshott goes on to observe that this Lockean brand of liberalism is no longer able to secure adherents because it has become boring, and that its fate may be to die of neglect:

The moderate individualism of Locke has no attraction for those who have embraced a radical, an Epicurean individualism. Locke's "steady love of liberty" appears worse than slavery to anyone who, like Montaigne, is "besotted with liberty." Democracy, parlia-

mentary government, progress, discussion, and the "plausible ethics of productivity" are notions—all of them inseparable from the Lockean liberalism—which fail now to arouse even opposition; they are not merely absurd and exploded, they are uninteresting.<sup>13</sup>

Apart from disclosing Oakeshott's dissatisfaction with Lockean liberalism, these remarks also point up once again the significance of Hobbes for Oakeshott. For it is Hobbes who (along with Montaigne) embodies the radical, Epicurean individualism which Oakeshott opposes to the modern Lockean variety in the passage quoted above. When read in conjunction with some passages on Hobbes, these remarks imply that where a liberalism inspired by Locke no longer commands respect, one inspired by Hobbes may. In one place, Oakeshott even says that Hobbes has more of the ground of liberalism (i.e., individualism) in him than Locke.<sup>14</sup> In all this can be discerned, I think, a project to reformulate liberalism on a more Hobbesian basis.

Oakeshott obviously thinks highly of Hobbes, but it would be a mistake to assume that he simply accepts Hobbes's teaching without qualification or finds nothing wrong with it. That he does not comes through in a long review Oakeshott wrote of Strauss's book, *The Political Philosophy of Hobbes*. There Oakeshott agrees with Strauss's claim that Hobbes's substitution of will for law became the starting point for all later political thought.<sup>15</sup> But he adds that Hobbes still lacked something vital to modern political philosophy: namely, an adequate theory of volition. Unfortunately, Oakeshott does not go on to elaborate in this review what exactly it is he finds wrong with Hobbes's theory of volition. Nevertheless, he gives some indication of the direction from which his criticism would come when he remarks that this lack has, to some extent, been remedied in later Idealist theories of the will—in Rousseau's theory of the "general will," in Hegel's theory of the "rational will," and in Bernard Bosanquet's theory of the "real will."<sup>16</sup>

What is it in Hobbes that these Idealist theories all end up rejecting or radically modifying? In a word, his individualism. But here a distinction must be drawn between the individualism Oakeshott generally celebrates in Hobbes—which is more of an ethical idea or (as he later puts it) an historic disposition—and that individualism which involves certain questionable assumptions about the nature of the self and its relations to others as well as to the state—for example, Hobbes's view that man is by nature a creature shut up in his own sensations and imagination, "the victim of solipsism," "an *individua substantia* distinguished by incommunicability."<sup>17</sup> It is this latter, "negative" individualism in Hobbes (and even more in Locke) which comes increasingly under attack in the Idealist theories mentioned. Specifically, these theories reject the separation of will and thought—the assimilation of

will to appetite—implied in Hobbes's definition of the will as "the last appetite in deliberating"; and they reject the opposition between individual freedom and government implied in Hobbes's image of the isolated individual in the state of nature who, on entering civil society, surrenders part of his or her natural freedom to enjoy the remainder. Instead of regarding the state as a (necessary) restriction on our natural freedom and individuality, these Idealist theories project the state as, in some sense, the realization of freedom and the condition of true individuality.

With this new understanding of the relationship of the individual to the state also comes a new explanation of the ground of political obligation—and here the connection with the problem of will mentioned earlier becomes clearer.<sup>18</sup> Hobbes, we know, tried to found political obligation on the explicit consent of the governed through the social contract. But there were problems with this contractarian account of political obligation from the start, the principal one being that it failed to account for the actual obligations of the vast majority of persons who had never explicitly consented to the authority of their sovereigns. In response to this latter difficulty, the doctrine of tacit consent was developed, but this was a doctrine that seemed to drain "consent" of all its real, voluntaristic meaning. The Idealists proposed another solution. Retaining the essential Hobbesian thesis that will or consent is the basis of political obligation—the thesis that "will, not force, is the basis of the state"—they sought to reinterpret will and consent in such a way as to avoid the difficulties encountered by contract theory. The thrust of the Idealist theory of the general will is that political obligation and authority rest on will or consent, not in the sense that they have been explicitly consented to in a formal act of will, but in the sense that they correspond to the "real" or "rational" will of the governed. The whole contractarian apparatus is here abandoned, and in its place is put a theory of will which distinguishes between the "real" and merely "apparent" interests of the individual. The difficulties of the contract theory are thus avoided, since political authority and obligation no longer rest on the explicit consent of the governed. We always consent to the authority of the state, even when we are not conscious of doing so, insofar as the state enforces our "real" or "rational" will.

There is not space here to trace the development of the Idealist theory of the general or rational will from its tentative and ambiguous expression in Rousseau on through its elaboration in Hegel, T. H. Green, and Bosanquet.<sup>19</sup> It is enough for our purposes to recognize the theory's distinctive contribution to modern political philosophy—namely, its emphasis on the essential role of the state (or society) in the realization of freedom or individuality, and its rejection of the isolated individual possessed of natural rights as



the basis of the right order — and to recognize the influence of the theory on Oakeshott's own thought. This influence is evident in a number of Oakeshott's writings from the 1930s and 1940s. In a review of a book on Bosanquet, for example, he writes that the "so-called Idealist theory of the State is the only theory which has paid thoroughgoing attention to all the problems which must be considered by a theory of the State." And he goes on to select for special emphasis Bosanquet's philosophy of the self, which he considers to be vastly superior to earlier "individualistic" theories.<sup>20</sup>

Clearly Oakeshott has much sympathy with the Idealist project in political philosophy. Nevertheless, it is not to be inferred from this that he finds nothing wrong with the Idealist theory of the state as it stands with Bosanquet. In fact, he indicates pretty clearly in the review just mentioned that he does find something wrong with the theory, though exactly what he does not say. Though the Idealist theory of the state "is the only theory which has paid thoroughgoing attention to all the problems which must be considered by a theory of the State," he writes, at the same time it is "a theory which has yet to receive a satisfactory statement."<sup>21</sup> One reads this sentence with the sense that it provides an important clue to the starting point of Oakeshott's own reflections on law, politics, and the state. If only we knew what it was that he finds unsatisfactory about Bosanquet's theory! This we will not know definitively, however, until we have examined *On Human Conduct*, which I take to be the restatement of the Idealist theory of the state demanded in the passage just quoted. Here, let me anticipate.

We will find, I think, that Oakeshott departs from his Idealist predecessors in his greater skepticism toward the state and its role in what is called "self-realization." This is not to say that he retreats to the negative "individualism" criticized by the Idealists or denies the correlativity of state and individual. But he does reject the substantive theory of human nature which seems to lurk in the Idealist doctrine of self-realization and of the "real will," and he rejects the substantive or purposive character which this doctrine seems to impose on the state.<sup>22</sup> There is in thinkers like Bosanquet and Green — Hegel is, of course, much more ambiguous — a tendency to identify the "real will" which the state embodies with wisdom.<sup>23</sup> And it is precisely this identification of the state with reason or wisdom that Oakeshott vehemently denies. We already have some indication of this in Oakeshott's writings on Hobbes, where authority and wisdom are sharply distinguished. Oakeshott's positive attitude toward Hobbes is yet another indication of his divergence from Bosanquet and Green, who tend to see Hobbes as an absolutist.<sup>24</sup> For Oakeshott, Hobbes's skeptical doctrine of authority seems to serve as an antidote to the "telocratic" tendencies of the Idealists. Oakeshott's

political philosophy, as I have already suggested, may be understood as an attempt to synthesize these two seemingly divergent strands of thought.

## II.

Before turning to *On Human Conduct* to confirm these hypotheses, I would like to look briefly at the book that precedes it, *Rationalism in Politics*. Though the essays in *Rationalism in Politics* (along with some others written at roughly the same time) do not in any way compose a complete political philosophy, they do suggest the lines along which Oakeshott will construct one in *On Human Conduct*. This is especially the case in those essays where Oakeshott defends what he calls "the politics of skepticism" — with their emphasis on liberty, individuality, the diffusion of power, and the rule of law — against what he calls "the politics of passion" — with their emphasis on central planning and the pursuit of a common purpose.<sup>25</sup> The polemical context for these essays is, of course, postwar England, and Oakeshott (like Friedrich Hayek) writes against the rationalistic scourges of socialism, collectivism, and central social planning.

Apart from serving as a bridge to *On Human Conduct*, these more "libertarian" writings are important for a couple of reasons. In the first place, they belie the charge that Oakeshott's thought, even at the time of *Rationalism in Politics*, is in any way antiliberal. Of course, some commentators have maintained that there is a tension in Oakeshott's postwar writings between his historicistic critique of rationalism, on one hand, and his skeptical, individualistic politics, on the other.<sup>26</sup> But I do not think this position can ultimately be sustained. In the end, the critique of purpose which forms such a prominent feature of Oakeshott's overall critique of rationalism also forms the basis of his "politics of skepticism." The second reason why these "libertarian" writings are important is that they belie the conventional portrait of Oakeshott as a "Burkean conservative." They show that Oakeshott's conservatism does not appeal to any sort of metaphysical or religious beliefs for sanction or support, nor does it hark back to a more integrated and traditional form of society. Oakeshott's conservatism (as he himself makes clear in "On Being Conservative") ultimately has more in common with the skeptical conservatism of Montaigne, Hobbes, and Hume than with the religious or cosmic conservatism of Burke.<sup>27</sup>

One final question occurs in connection with these essays. It may seem that the decidedly "libertarian" character of these essays does not imme-

diately or obviously harmonize with what I have earlier spoken of as Oakeshott's Hegelianism. But if we read the essays closely, we find that Oakeshott does not defend liberty and the individual by invoking the libertarian opposition between "individual" and "government." Rather, in Hegelian fashion, he criticizes libertarian conservatives for calling on such abstract notions as "natural rights," the "private individual," and "laissez-faire" when defending the liberal state against such antiliberal alternatives as socialism and totalitarianism. Against them, he insists that the "individual" is not natural but an historic achievement, and that "government" has played a decisive role in this achievement.<sup>28</sup> In his emphasis on the historicity of individuality and on the interdependence of individual and government, Oakeshott diverges sharply from conventional libertarian conservatives. He is no believer in a mythical laissez-faire or even in a Nozickean "minimal state." For him, the crucial consideration is not the quantity of government but rather (as we shall soon see) its mode.

### III.

We may now turn to *On Human Conduct*. Oakeshott's restatement of liberalism (as I have already pointed out) is contained in the theory of civil association which he elaborates in this work.

Oakeshott begins his inquiry into civil association (in the first of the three essays which make up *On Human Conduct*) with a lengthy consideration of "human conduct" and the freedom which distinguishes it. In other words, like Hobbes, Rousseau, Kant, and Hegel before him, he takes will or freedom as the starting point of his political philosophy.<sup>29</sup> We have seen that early on in his career, Oakeshott celebrated Hobbes for making will the basis of the state, but he also criticized Hobbes for lacking a coherent theory of volition. He went on to cite Rousseau's doctrine of the "general will," Hegel's doctrine of the "rational will," and Bosanquet's doctrine of the "real will" as notable attempts to overcome this deficiency in Hobbes's political philosophy. The first essay of *On Human Conduct* can, I think, be seen as Oakeshott's own contribution to this effort. In it, he tries to conceive will or freedom in such a way that its qualification by law or morality need not entail its being compromised. Let us follow him in this attempt.

The first thing to notice is that the freedom with which Oakeshott is concerned here is the freedom which is *inherent* in human conduct. "Freedom" here denotes a formal condition of all conduct recognized to be human; it does not refer to what Oakeshott calls "the quality of being substantively

‘self-directed’ which an agent may or may not achieve”—what is more properly called “self-determination” or “autonomy.”<sup>30</sup> In what, then, does this formal freedom inherent in human agency consist?

Oakeshott discusses it largely in terms of what he calls “reflective consciousness.” Human conduct is “free” because it is recognized to be an expression or exhibition of intelligence. We do not attribute freedom to the setting sun because we do not recognize it to be an exhibition of intelligence. It is intelligence, then, and not “free-will,” which ultimately distinguishes the freedom inherent in agency.<sup>31</sup> By specifying human conduct in this way, however, Oakeshott does not mean to suggest that human conduct is notably reflective, self-conscious, or rational, only that it involves understanding (which may, of course, be implicit) and that it must ultimately be learned. His concern is to distinguish human conduct not from spontaneous, habitual, or irrational conduct but from a genetic, psychological, or otherwise non-intelligent “process.”<sup>32</sup> Human conduct is a matter of beliefs, understandings, and meanings, not of biological impulses, organic tensions, or genetic urges. It is the thoroughly meaningful or intelligible—one might say “hermeneutical”—character of conduct that Oakeshott wants to emphasize here.

The other half of Oakeshott’s teaching on freedom comes in what he has to say about “practices.” A “practice” he defines as any set of considerations, manners, uses, customs, conventions, maxims, principles, or rules which governs or “adverbially” qualifies human actions and relationships. And he cites a number of different examples, varying in size and complexity: relationships involving abstract *personae*, such as those of friends, of neighbors, of husband and wife, of teacher and pupil, and so on; ways of life, such as the stoic *apatheia* and medieval chivalry; and complex modes of discourse, such as science, history, poetry, and philosophy. What these all have in common is that they specify procedural or adverbial conditions to be subscribed to in acting. They do not specify substantive performances or actions.<sup>33</sup>

What more than anything else Oakeshott wants to emphasize about these practices is that they in no way compromise what he has already defined as the freedom inherent in agency. They do not do so for two reasons. In the first place, a practice is not a biological, psychological, or unspecified “social” relationship; it is “an understood relationship, capable of being engaged in only in virtue of having been learned.” It is a relationship based not on natural propensities (such as gregariousness) or physical propinquity but on mutual understandings. The practice of a neighborly relationship, for example, does not simply consist in people living next door to one another; rather, it consists in their understanding themselves to be neighbors. The second reason a practice does not compromise the freedom inherent in

agency relates to its adverbial or procedural character. A practice "prescribes conditions for, but does not determine, the substantive choices and performances of agents." The "practical," according to Oakeshott, is only an aspect of any action; it must always be accompanied by a substantive choice or action. A rule or maxim, for example, does not "tell a performer what choice to make"; "it only announces conditions to be subscribed to in making choices." This applies even to those rules and procedures which have the appearance of forbidding (and not merely adverbially qualifying) substantive actions and choices, such as criminal laws. "A criminal law," Oakeshott writes, "does not forbid killing or lighting a fire, it forbids killing 'murderously' or lighting a fire 'arsonically.'"<sup>34</sup>

Oakeshott goes on to distinguish two sorts of practices. On one hand, there are practices "which are designed to promote the success of the transactions . . . they govern," practices which are "instrumental to the achievement of imagined and wished-for satisfactions." An office routine, the rules for making pastry, and the arrangements composing an economy would all be examples of such instrumental or "prudential" practices. On the other hand, there are practices which are not instrumental to any particular purpose or enterprise. These Oakeshott calls "moral" practices. A moral practice is not instrumental to the satisfaction of substantive wants; rather, it prescribes conditions which are to be subscribed to in seeking the satisfaction of substantive wants. A moral practice is "the *ars artium* of conduct; the practice of all practices; the practice of agency without further specification."<sup>35</sup>

A certain negativity attaches to Oakeshott's characterization of morality in terms of a noninstrumental practice. What he positively conceives a moral practice to be only becomes clear when he analogizes it to a language. A moral practice is like a language, he writes, "in being an instrument of understanding and a medium of intercourse, in having a vocabulary and a syntax of its own, and in being spoken well or will." And like a language, it is a wholly historic achievement, reflecting the historic self-understandings of its speakers. With this analogy of language, Oakeshott most wants to emphasize the wholly colloquial or vernacular character of a morality — an emphasis which marked his analysis of morality in *Rationalism in Politics* as well. A morality is not something "above" our daily existence which we only bring to bear on our actions through an act of reflective effort; rather, it is a medium for conduct without which no action could take place. A morality does not somehow supervene on the more primary or "natural" activity of desiring or instinctual gratification; it is a language in which the pursuit of any satisfaction takes place. Over and over again, Oakeshott stresses this vernacular and colloquial character of a moral practice; the fact that it is a

"living and vulgar language" continuously used by agents to disclose and enact themselves, to understand and interact with others.<sup>36</sup> And it is just this living, vulgar, mundane, vernacular character of morality which constitutes one of the most purely Hegelian elements in Oakeshott's thought. Morality is recognized to be not the strenuous and reflective affair it was for Kant but something much more ordinary and vital.

We are now in a position to better understand Oakeshott's contribution to the Idealist effort to overcome the negative individualism which has dogged liberalism ever since Hobbes. In the first essay of *On Human Conduct*, Oakeshott provides the theory of volition which he early on in his career observed to be lacking in Hobbes. For him, as we have seen, the freedom or will of an agent is not something unconditional or "natural" which comes to be diminished or limited by the conditions imposed by moral and social life. Rather, the freedom inherent in agency consists, first, in the fact that conduct is an exhibition of intelligence and not an organic or otherwise nonintelligent process; and second, in the fact that an agent's choice of a particular action is never completely specified or determined beforehand by the conditions or circumstances surrounding it. Now a moral practice does not compromise either of these conditions of free agency. It neither reduces conduct to a nonintelligent process nor does it determine the substantive choices of agents; it only prescribes procedural or adverbial conditions to be taken into account when choosing and acting. Far from being an external limit on agency, a moral practice is indispensable to it. There is no agency which is not the acknowledgement of a moral practice, just as there is no individual utterance which is not in any language in particular. Will and morality mutually imply one another.

Oakeshott's thoroughly Hegelian conception of the relationship between freedom or will and a moral practice thus sets the stage for overcoming the opposition between individual and government, will and law, and freedom and authority which had posed problems for liberal thought ever since Hobbes. I say it only *sets the stage* because up to this point Oakeshott has not spoken of law or civil society per se, only of a moral practice in general. It is only in the second essay in *On Human Conduct* that the insights of the first are applied to the specific problems of legal and political philosophy. It is to Oakeshott's treatment of civil association in this essay, then, that we must now turn.

The key to Oakeshott's understanding of civil association is, of course, the idea of a moral practice which he developed in the first essay of *On Human Conduct*. Civil association for him is, most fundamentally, association or relationship in terms of a moral (i.e., noninstrumental) practice. There

are and have been alternative identifications of civil association, the most common being that it is association in terms of the joint pursuit of a common purpose or interest. But Oakeshott vehemently rejects this understanding of civil association as an "enterprise association." In the first place, he denies there is any common purpose which adequately specifies civil association. Even "peace" or "security" fails in this regard, insofar as "peace" or "security" is not really a substantive purpose at all—that is, a specific satisfaction sought for itself—but rather a condition which makes possible the pursuit of substantive satisfactions.<sup>37</sup> In the second place, Oakeshott argues that an enterprise association cannot assume compulsory form in the way that civil association can. Enterprise association is a substantive mode of human relationship; it is association in terms of a common substantive purpose and in terms of substantive actions and utterances (managerial decisions) designed to promote that purpose. And the single most important condition of such substantive relationship is that it be *chosen* by an agent. Agents must not only acknowledge the common purpose as their own but be able to extricate themselves from the relationship at any time by a choice of their own. To make enterprise association compulsory would be to deprive an agent of that "freedom" or "autonomy" which is the condition of agency. This in the end is the principal reason why Oakeshott rejects the identification of the state with enterprise association. A state is necessarily a compulsory association. As such, it cannot be an enterprise association without compromising the moral autonomy of its members.<sup>38</sup>

A moral practice, as we have seen, is to be understood as a vernacular language of intercourse; and it is precisely in these linguistic terms that Oakeshott now speaks of civil association. The "language of civility" is not, he concedes, spoken on every occasion (it is not, for example, the language in which lovers converse); nevertheless, "it is never wholly put by," and "there is no situation *inter homines* to which it cannot relate." Nor is this characterization of civil association in terms of a vernacular language of intercourse to be thought of as a mere or vague analogy. For Oakeshott, it constitutes "the essential character of the civil condition":

I think the investigation of this condition has flourished only when it has been tied to a reading of its character in which it is recognized as agents exploring their relations in terms of a language of understanding and intercourse which is native to and continuously re-enacted by those who use it.<sup>39</sup>

It is here in Oakeshott's evocation of the civil condition in terms of a vernacular language that we are perhaps most reminded of Hegel's notion of *Sittlichkeit*. In this passage, Oakeshott announces that he intends to grasp

civil association as a living tradition, a way of life, and not simply as something fixed, finished, or essentially dead. This same intention informs Hegel's theorization of the state in terms of *Sittlichkeit* in the *Philosophy of Right*. In his interpretation of the *Philosophy of Right* in the third essay in *On Human Conduct*, Oakeshott himself makes clear the intimate connection he sees between Hegel's notion of *Sittlichkeit* and his own notion of a practice.<sup>40</sup> It is only by ignoring this connection that a commentator like Judith Shklar can assert that Oakeshott's civil association, lacking the "integrative force" of *Sittlichkeit*, corresponds more to Hegel's notion of "abstract right."<sup>41</sup> Other commentators have made similar points about the un-Hegelian character of *On Human Conduct*.<sup>42</sup> It should be clear by now that my interpretation of *On Human Conduct* goes in quite a different direction.

To have identified civil association as a moral (i.e., noninstrumental) practice is to have gone some distance toward understanding the nature of civil association. Nevertheless, there remains one last step in the Aristotelian process of specification and differentiation Oakeshott pursues in *On Human Conduct*. Civil association is to be understood not simply as a moral practice but as a special kind of moral practice: it is a moral practice "composed entirely of rules; the language of civil intercourse is a language of rules; *civitas* is rule articulated association."<sup>43</sup> Other moral practices do not share this exclusively rule-articulated character. The considerations which comprise them are generally not so narrow or specific as rules. Of course, a moral practice may be abridged or reduced to a set of rules, but this does not seem to be what Oakeshott has in mind when he speaks of civil association as relationship solely in terms of rules. The rules which comprise civil association are not to be regarded simply as abridgements of a morality. Again, civil association is to be regarded as a genuine morality and a living tradition, not as an abridgement or a code.<sup>44</sup>

With the characterization of civil association as relationship in terms of noninstrumental rules (or laws) we have arrived at what might be called the *differentia* of civil association. Oakeshott considers this feature to be the most significant of civil association. It has also been, he comments, the most difficult feature "to identify and get into place."<sup>45</sup> Therefore, he spends much of the rest of the essay defining the nature of the rules of civil association (which he chooses to call *lex* instead of law, "so that they may not be confused with the heterogeneous collections of rules and rule-like instructions, instruments, provisions, etc., which constitute the conditions of those ambiguous associations we call states") and elaborating the conditions which relationship in terms of such rules postulates (e.g., adjudication, ruling, politics, and so on).<sup>46</sup> I will not go into Oakeshott's detailed analysis of civil association



as a system of rules here. Instead, I wish to focus on what he has to say about the manner of recognizing these rules—namely, *as rules* in terms of their *authority*—since this connects more directly with the theme of freedom I have been pursuing in this article.

For Oakeshott, civil association is not simply relationship in terms of a system of rules but relationship in terms of a certain manner of recognizing rules—namely, *as rules*. To recognize a rule as a rule is not to recognize it in terms of approval or disapproval; a rule does not cease to be obligatory simply because we do not approve of it. To recognize a rule as a rule is to recognize it in terms of its *authority*. With respect to this most important postulate of civil association, civil authority, Oakeshott is particularly concerned to show that it has nothing to do with the desirability (i.e., utility, wisdom, rationality, or justice) of the conditions of *respublica* (the manifold of rules comprising civil association). “Recognizing the authority of *respublica* is not finding its conditions to be desirable or believing that others better than oneself approved of them: it does not concern the merits or otherwise of the condition.” Recognizing the authority of *respublica* is simply accepting its conditions as binding regardless of whether one approves of them or not.<sup>47</sup>

It is because civil authority (and its counterpart, civil obligation) is detached from approval and desirability in this way that it has frequently been thought to pose some sort of threat to the moral autonomy of human beings. Oakeshott argues that this is not so for reasons ultimately relating back to his distinctive understanding of the nature of moral autonomy and of the “freedom” inherent in agency. Civil authority and obligation do not compromise the moral autonomy of human beings, in the first place, because they relate to *lex*, and *lex* does not specify substantive actions but only adverbial considerations to be taken into account when choosing and acting. “It is true,” Oakeshott admits, “that authority and obligation do not argue or ask to be approved. . . . But their prescriptions are not expressions of ‘will’ and their injunctions are not orders to be obeyed.” What takes the place of argumentative discourse in civil rule is not *voluntas* but *lex*.<sup>48</sup> It should be noted that Oakeshott here significantly diverges from his predecessor Hobbes. Hobbes—along with Bodin—had a tendency to identify the exercise of authority with will and command.<sup>49</sup> Though this confusion is not crippling to either of their theories, according to Oakeshott, it nevertheless obscures the connection between authority and autonomy which he finds so important.

The second reason why civil authority and obligation do not compromise the freedom or autonomy inherent in agency has to do with their being distinguished from approval and desirability. It is precisely because recognizing the authority of *respublica* does not involve approval of its conditions

that the "freedom" inherent in agency is preserved. "[I]n acknowledging civil authority *cives* have given no hostages to a future in which, their approvals and choices no longer being what they were, they can remain free only in an act of dissociation." This freedom which belongs to civil association Oakeshott calls "civil freedom," and he contrasts it with the "not less genuine, but wholly different freedom which belongs to enterprise association." In enterprise association, the "freedom" of agents depends on their having chosen their situation and on having the ability to extricate themselves from it if and when they choose to do so. Only in this way — completely different from civil association — is the link between belief and conduct which constitutes "free" agency preserved. It is because "freedom" in enterprise association is conceptually tied to the choice to be and to remain associated that enterprise association has proved to be (as was pointed out earlier) a dubious model for a state, which is a compulsory association.<sup>50</sup>

In the passages of *On Human Conduct* under discussion, we find perhaps the clearest statement of the intimate relationship Oakeshott sees between freedom and authority. This idea of the correlativity of freedom and authority, which in many ways constitutes the heart of Oakeshott's political philosophy, goes all the way back to some of his earliest writings on political themes, especially those on Hobbes. It receives expression in the statement I have already quoted that "Hobbes is not an absolutist precisely because he is an authoritarian"; and that "it is Reason, not Authority, that is destructive of individuality." It is Hobbes's thoroughgoing understanding of and emphasis on authority, his detachment of authority from the idea of approval or desirability, that makes him, for Oakeshott, a far more profound philosopher of freedom and individuality than, say, Locke.

Oakeshott's reflections on freedom and authority here may also be compared with the tradition of Idealist political philosophy I have considered. The core of the Idealist project, as I have already shown, consisted in an attempt to reconcile the authority of the state with individual freedom by basing that authority not on individual consent but on the general or rational will. The basic idea was that the authority of the state rested on the will of the individual, not insofar as it derived from his capriciously given consent, but insofar as it corresponded to his "real" or "rational" will. Now, Oakeshott's relation to this Idealist tradition is somewhat complex. He certainly follows Rousseau, Hegel, and Bosanquet in rejecting individual consent, "the will of all," as the basis of authority. Nevertheless, he does not identify authority with the "real" or "rational" will, at least not when this will is conceived substantively. His reconciliation of freedom with authority depends instead (as we have seen) on showing that civil authority does not compromise the

formal freedom inherent in agency. In this latter respect, Oakeshott seems to diverge most from his British Hegelian predecessors, whose notion of the "real will" does seem to point to a substantialist and teleological doctrine of human nature and whose doctrine of authority therefore does not clearly distinguish between authority and wisdom. Hegel's "rational will" is more ambiguous and more susceptible to the formal interpretation which Oakeshott himself gives to it in the third essay in *On Human Conduct*.

So far, I have concerned myself with the bearing of Oakeshott's theory of civil association on the problem of freedom in liberal political philosophy. I would like to conclude my analysis of *On Human Conduct* by briefly considering Oakeshott's notion of civil association in relation to the problem of materialism or economism. Early on in his career, Oakeshott perceived the linking of liberalism with economic productivity and prosperity to be the weakest part of the doctrine. In one place, he writes that "the most questionable element of Liberal Democracy" is "what may be called its moral ideal: 'the plausible ethics of productivity.'"<sup>51</sup> And in another, as we have seen, he traces this materialistic element in liberalism back to Locke. By conceiving civil association as a moral, noninstrumental practice in *On Human Conduct*, however, Oakeshott effectively dissolves this link between liberalism and materialism. To be related in terms of the satisfaction of wants, an "economy," or even "capitalism," is to be related in terms of an instrumental practice and ultimately in terms of a substantive purpose. And this is not civil association. Substantive relationship in terms of the satisfaction of wants, Oakeshott argues, ultimately postulates another mode of relationship composed of noninstrumental considerations to be subscribed to in choosing wants to satisfy; it postulates, in other words, civil association. And he claims that Hegel also discerned this non-self-sufficiency of economic relationship, albeit somewhat obscurely, in his classic analysis of the relationship between *bürgerliche Gesellschaft* and the state.<sup>52</sup>

By sharply distinguishing civil association from the idea of economic welfare or prosperity in this way, Oakeshott distances himself from such libertarian writers as Friedman and Hayek, who tend to recommend liberalism in utilitarian and economic terms. For Oakeshott, civil association is not to be understood as a "free enterprise" association but rather as a "no enterprise" association.<sup>53</sup> He also proves himself more consistent than liberal theorists, such as Rawls, Nozick, and Dworkin, who, despite their protests to the contrary, end up buttressing their deontological theories with substantial utilitarian appeals to economic efficiency and well-being. Finally, he provides an effective response to those commentators on the liberal tradition, such as Strauss and Macpherson, who reduce that tradition (and the idea of

individuality which underlies it) to either “possessive individualism” or “bourgeois morality.” For Oakeshott, these expressions point to a completely different idiom of moral life than that corresponding to civil association and celebrated in the writings of Hobbes, Montaigne, Pascal, Kant, Hegel, or Kierkegaard; they point to an idiom not of individuality but of the common good in which there is a single approved substantive condition for all.<sup>54</sup> In short, Oakeshott succeeds — as perhaps no other contemporary thinker has — in freeing liberalism from the utilitarianism, materialism, and economism which have haunted it since its inception. I take this to be one of his most significant achievements.

#### IV.

I have argued that Oakeshott’s theory of civil association can be understood as a restatement of liberalism — a restatement in which some of the more questionable ethical and metaphysical assumptions of the traditional doctrine have been criticized and superseded. I would like to conclude by considering Oakeshott’s restatement of liberalism in the context of the contemporary debate over liberalism. As I have already pointed out, this debate has largely been framed in terms of the antinomy of “deontological” liberalism and “communitarianism.” What I want to argue here is that Oakeshott does not fit neatly into either camp, and that, in many respects, he transcends the limitations of both. More specifically, I shall argue that while Oakeshott’s idea of civil association as a noninstrumental, nonpurposive practice certainly has more in common with the procedural or juridical ideal of deontological liberals, it nevertheless seems to answer (and therefore be less susceptible to) the criticisms which communitarians have leveled at the deontological project. I will confine myself here to three such communitarian criticisms — relating to the nature of the human subject, justification, and materialism.

Let me begin with the communitarian criticism of the notion of the self or subject which is said to lie behind deontological liberalism. This criticism has been pressed most vehemently by Sandel and Taylor, who argue that deontological liberalism rests on an atomistic conception of the self as prior to and independent of society and its substantive commitments. Drawing on Hegel and the more recent hermeneutic tradition, these writers maintain that deontological liberals fail to grasp the constitutive role of the community in our self-understanding and ultimately in the construction of the persons that we are. Taylor presses this criticism (with justice) against Nozick and

his atomistic doctrine of rights as side-constraints. And Sandel presses it against Rawls (who is somewhat more ambiguous on this point), to whom he attributes the notion of an "unencumbered self."<sup>55</sup>

Whatever the justice of this communitarian criticism of the liberalism of Nozick, Rawls, and Dworkin (and I think there is substantial justice in it), it in no way applies to Oakeshott's restatement of liberalism. It has been one of my main contentions in this article that Oakeshott's political philosophy rests on a thoroughly Hegelian rejection of the atomism and negative individualism of traditional liberal theory. We saw this Hegelian attitude toward the self and its relationship to society clearly reflected in Oakeshott's early writings; and it continues to inform his philosophical outlook in *On Human Conduct*. In the latter work, Oakeshott completely eschews any reference to natural rights, the private or isolated individual, consent, or contract; instead, he erects his liberal theory on a view of freedom or autonomy perfectly compatible with historicity, government, law, and civil authority. By underlining this Hegelian and historical strain in Oakeshott's political philosophy, I do not, of course, mean to assimilate his position to that of the communitarians. Oakeshott's theory of civil association remains a *liberal* theory even while incorporating a more Hegelian, historical, even hermeneutic conception of the self. This is what makes it (besides being more satisfying than other contemporary liberal theories) more satisfying than current communitarian theories, in which the relationship to liberalism is left highly ambiguous.

Let me turn now to another set of criticisms of deontological liberalism which can also be said to come from a roughly communitarian standpoint. These criticisms center on the issue of justification, attacking deontological liberals for seeking ahistorical criteria by which to justify liberalism instead of simply recognizing it as an historical (and valuable) practice characteristic of an historical community. Political philosophy, exponents of this view maintain, should be concerned not with *justifying* liberalism but with *articulating* our shared liberal intuitions and beliefs.

The thinker who has pressed this particular criticism of deontological liberalism most vehemently is, of course, Richard Rorty. Ever since his influential *Philosophy and the Mirror of Nature*, Rorty has increasingly applied his critique of foundationalism to the field of political philosophy. Indicative of his general point of view is the article "Postmodernist Bourgeois Liberalism," in which he divides contemporary political theorists into three different groups: first, the "Kantians" (such as Rawls and Dworkin) who seek ahistorical criteria by which to justify and evaluate liberal institutions;

second, the “Hegelians” who want to abandon these institutions (such as MacIntyre and Roberto Unger); and third, the “Hegelians” who want to preserve liberal institutions but not on a Kantian (i.e., nonhistorical) basis. This latter group—to which Rorty assigns not only himself but also Oakeshott and (inevitably) John Dewey—is engaged in reinterpreting liberalism on a more Hegelian and historical basis, abandoning the unencumbered self of Kantian theory for a more historical and situated conception.<sup>56</sup> Rorty spells out his historicist position in greater detail in a later article entitled “The Priority of Democracy to Philosophy.” The great change in this article comes in Rorty’s understanding of Rawls, around whom the article revolves. Rawls now is no longer seen as a Kantian absolutist (like Dworkin) but rather as one of those Hegelians (like Oakeshott and Dewey) who grasp liberalism as an historical and contingent tradition. Despite this change, Rorty’s fundamental point about the relationship between liberalism and philosophy remains the same. Practice is prior to theory, liberal democracy is prior to philosophy. The task of political philosophy is not to *justify* political institutions but to *articulate* our shared intuitions and beliefs about politics.<sup>57</sup>

Now, how does Oakeshott stand with respect to Rorty’s historicist understanding of the relationship between liberalism and philosophy? It is especially important to answer this question since (a) Rorty invokes Oakeshott as an exemplar of the Hegelian or “pragmatist” brand of liberalism which he himself is advocating, and (b) his account of Oakeshott’s political philosophy as steering a course between—and thus avoiding the pitfalls of—deontological liberalism and communitarianism in many respects resembles my own. Here, however, I must warn against too close an identification of these thinkers. On one hand, Oakeshott certainly agrees with Rorty that practice is prior to theoretical reflection on it, and that philosophy should concern itself with “articulation” instead of “justification”; he accepts, in other words, with Hegel, that philosophy is essentially a twilight affair. On the other hand, Oakeshott does not share Rorty’s rather unproblematic attitude toward the thing that he is theorizing, namely, liberalism. I agree with the critic who says of Rorty that he “simply speaks globally about ‘liberal democracy’ without ever unpacking what it involves or doing justice to the enormous historical controversy about what liberal democracy is or ought to be.”<sup>58</sup> Oakeshott in no way accepts Rorty’s implication that “we” all have common intuitions about the nature of our political tradition. In the third essay in *On Human Conduct*, he describes our political tradition as essentially ambivalent. And in the second essay, he arrives at his theory of civil association only by radically abstracting from the contingency and ambiguity of historical reality.

All this points to what for me is the fundamental difference between Oakeshott and Rorty: namely, that Oakeshott believes political philosophy to be something more than the mere expression of political opinion, whereas Rorty apparently does not. For Oakeshott, though philosophy comes after and reflects on liberal democracy, it is not confined simply to mirroring our ordinary practical understanding of this historic practice. Philosophy (and political philosophy) represents a form of understanding that is radically distinct from and in certain respects superior to our ordinary, practical self-understanding.<sup>59</sup> For Rorty, on the other hand, no such gulf between theory and practice exists. The result of such "pragmatism" is that political philosophy becomes indistinguishable from political opinion. Thus, when Rorty speaks of "liberal democracy," he leaves the word in roughly the same muddle as he found it in the practical realm. And when he later tries to clarify the term, he provides a rather banal list of political opinions which currently pass for "social democracy."<sup>60</sup> Ultimately, such "pragmatism" leads to an historicism in which philosophy becomes indistinguishable from history, "cultural anthropology," and politics.<sup>61</sup> It is just such historicism that Oakeshott seeks to avoid. While he incorporates the historical outlook and antirationalism which constitute Rorty's virtue, he never allows philosophy to be "liquidated" by history or practice.

I turn now to a third and final strand of communitarian criticism of deontological liberalism — indeed, of liberalism in general. These criticisms are more radical than the ones we have considered so far, rejecting not simply certain untenable assumptions in traditional liberal doctrine (e.g., its theory of the self or its Enlightenment rationalism and universalism) but the liberal tradition itself with its individualism, acquisitiveness, and materialism. This type of criticism of liberalism, of course, goes far back — it can be found in Rousseau, Marx, and Nietzsche, for example — but it has found more recent expression in such writers as Alasdair MacIntyre and Roberto Unger.<sup>62</sup>

What does Oakeshott have in common with these radical critics of liberalism? Not a great deal, really. For he seeks to defend what they no longer find worth defending. Nevertheless, it seems to me that his sensitivity to the problematic elements in the liberal tradition — for example, its materialism and economism — makes him far more effective in responding to these radical communitarian critics than other contemporary liberals. As we have seen, Oakeshott is at great pains to purge liberalism of the materialism, economism, and "bourgeoisness" with which it has been traditionally associated and for which it has been so frequently criticized. As a result, his restatement of liberalism is much less vulnerable to antiliberal attacks — much less likely to be confused with the grotesque parodies of liberalism found in many of

liberalism's critics (e.g., MacIntyre)—than are the theories of Rawls or Nozick or Hayek.

## NOTES

1. Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon, 1975), hereafter cited as *OHC*.

2. For a somewhat different but nevertheless interesting treatment of Oakeshott as liberal theorist than the one presented here, see Wendell John Coats, "Michael Oakeshott as Liberal Theorist," *Canadian Journal of Political Science* 18 (December 1985), 773-787.

3. Oakeshott alludes to both of these defects in traditional liberal doctrine in his Introduction to *The Social and Political Doctrines of Contemporary Europe* (Cambridge: Cambridge University Press, 1939), xvi, xvii-xviii, xx, xxi.

4. Michael Oakeshott, *Rationalism in Politics and Other Essays* (London: Methuen, 1962), hereafter cited as *RP*.

5. A recent and rather extreme example of this view is found in Kirk Koerner, *Liberalism and Its Critics* (New York: St. Martin's, 1985), 270-308.

6. See, for example, Charles Covell, *The Redefinition of Conservatism: Politics and Doctrine* (New York: St. Martin's, 1986) 93-143.

7. Michael Oakeshott, "The Concept of a Philosophical Jurisprudence," *Politica* 3 (1938), 357.

8. Oakeshott's principal writings on Hobbes—his Introduction to *Leviathan* (1946/1974), "The Moral Life in the Writings of Thomas Hobbes" (1960), "Dr. Leo Strauss on Hobbes" (1937), and "Leviathan: A Myth" (1947)—can all be found in *Hobbes on Civil Association* (Berkeley: University of California Press, 1975). To this list might be added the early article, "Thomas Hobbes," *Scrutiny* 4 (1935-36), 263-277.

9. Introduction to *Leviathan*, in *Hobbes on Civil Association*, 63.

10. Cf. Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis* (Chicago: University of Chicago Press, 1952), chap. 7, "The New Morality"; *Natural Right and History* (Chicago: University of Chicago Press, 1953), 189; and *What Is Political Philosophy?* (Glencoe, IL: Free Press, 1959), 48. Cf. also C. B. Macpherson, *The Political Theory of Possessive Individualism* (London: Oxford University Press, 1962), and "Hobbes's Bourgeois Man," in *Hobbes Studies*, ed. K. Brown (Cambridge, MA: Harvard University Press, 1965), 169-183.

11. "The Moral Life in the Writings of Thomas Hobbes," in *Hobbes on Civil Association*, 87-89, 120-125. Oakeshott also rejects this view of Hobbes as a bourgeois hedonist in his Introduction to *Leviathan*: "Man, as Hobbes sees him, is not engaged in an undignified scramble for suburban pleasures; there is the greatness of great passion in his constitution" (*Hobbes on Civil Association*, 73-74). On the nonbourgeois elements in Hobbes's political thought, see Keith Thomas, "The Social Origins of Hobbes's Political Thought," in *Hobbes Studies*, ed. K. Brown, 185-236.

12. Michael Oakeshott, "John Locke," *Cambridge Review* 54 (1932-33), 72-73.

13. *Ibid.*, 73.

14. "Thomas Hobbes," 272. Cf. also the Introduction to *Leviathan*, in *Hobbes on Civil Association*, 63.



15. Michael Oakeshott, "Dr. Leo Strauss on Hobbes," in *Hobbes on Civil Association*, 132-149.

16. *Ibid.*, 147-148. Rousseau's doctrine of the "general will" and Hegel's doctrine of the "rational will" are to be found, respectively, in the *Social Contract* and the *Philosophy of Right*. For Bosanquet's doctrine of the "real will," see *The Philosophical Theory of the State* (London: Macmillan, 1965).

17. Introduction to *Leviathan*, in *Hobbes on Civil Association*, 59; cf. also 61-62, where the atomistic, nonsocial character of Hobbes's theory of the self is particularly emphasized.

18. On the Idealist theory of the will in relation to the problem of political obligation, see J. H. Muirhead, "Recent Criticism of the Idealist Theory of the General Will," *Mind* 33 (1924), 166-175, 233-241, 361-368; John Plamenatz, *Consent, Freedom and Political Obligation* (London: Oxford University Press, 1938), 26-61; and Patrick Riley, *Will and Political Legitimacy: A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant, and Hegel* (Cambridge, MA: Harvard University Press, 1982), chaps. 4 and 6. In his book, Riley quotes Oakeshott's remark on the absence of an adequate theory of volition in Hobbes (pp. 98, 201-202, 240), but he does not seem to follow Oakeshott's suggestions as to a remedy.

19. A more complete account of this development may be found in my book, *The Political Philosophy of Michael Oakeshott* (London and New Haven, CT: Yale University Press, 1990), 94-100.

20. Michael Oakeshott, review of *Bernard Bosanquet's Philosophy of the State: A Historical and Systematical Study*, by B. Pfannenstill, *Philosophy* 11 (1936), 482.

21. *Ibid.*

22. On the British Idealists' substantive theory of human nature, see A. Vincent and R. Plant, *Philosophy, Politics and Citizenship: The Life and Thought of the British Idealists* (Oxford: Basil Blackwell, 1984), 168-171.

23. Cf. for example, Bosanquet, *The Philosophical Theory of the State*, 110-115, where he compares the "real will" with the function of Rousseau's Legislator.

24. Cf. *ibid.*, 97-99; Green, *Lectures on the Principles of Political Obligation and Other Writings*, ed. P. Harris and J. Morrow (Cambridge: Cambridge University Press, 1986), 39-45. A more positive attitude toward Hobbes, however, is indicated in R. G. Collingwood, *The New Leviathan* (Oxford: Clarendon Press, 1942).

25. The essays which I specifically have in mind are "The Political Economy of Freedom," in *RP*, 37-58; "On Being Conservative," in *RP*, 168-196; "Contemporary British Politics," *Cambridge Journal* 1 (1947-48), 476; and "The Masses in Representative Democracy," in *American Conservative Thought in the Twentieth Century*, ed. W. F. Buckley (New York: Dodd, Mead, 1970), 103-123 (this essay was first published in German in 1957). I have dealt with these essays at greater length in my *The Political Philosophy of Michael Oakeshott*, 140-156.

26. Covell, *The Redefinition of Conservatism*, 99-102, 112, 120-121.

27. The idea that Oakeshott is a "Burkean conservative" is really a popular, and not a scholarly, idea. Oakeshott's more discriminating readers have always recognized the discrepancy between his conservatism and that of Burke. For a judicious recent discussion, see Jeremy Rayner, "The Legend of Oakeshott's Conservatism: Skeptical Philosophy and Limited Politics," *Canadian Journal of Political Science* 18 (1985), 313-338.

28. Cf. "Contemporary British Politics," 488; Oakeshott's review of *The State and the Citizen*, by J. D. Mabbott, *Mind* 58 (1949), 386; and his review of *Anarchy and Order: Essays in Politics*, by H. Read, *Spectator* 192 (1954), 593.

29. I am, of course, aware that Oakeshott does not generally speak of "will" in *OHC* except in contrast to his own view of human agency. His avoidance of this term, however, stems more from its identification as a faculty separate from the intellect than from a rejection of the notion

of will altogether. For Oakeshott, as we shall see, will is simply intelligence in doing; it is not something unconditional or separate from thinking. This view of the will can also be found in Hegel (cf. *The Philosophy of Right*, addition to par. 4). Oakeshott's (and Hegel's) identification of thinking and willing is not to be understood as a rejection of the notion of will; it is itself a theory of will.

30. *OHC*, 36-37.

31. *OHC*, 32, 26, 39.

32. *OHC*, 89.

33. *OHC*, 55-56.

34. *OHC*, 55-58.

35. *OHC*, 60-62.

36. *OHC*, 62-64. For the analogy of language in *RP*, cf. 62, 129, 308-310.

37. *OHC*, 119. D. D. Raphael, in his review of *OHC* in *Political Quarterly* 46 (1975), 454, fails to grasp this latter point, arguing that "security is a bedrock common interest in all civil association," and that this fact completely undermines Oakeshott's distinction between civil and enterprise association.

38. *OHC*, 114-115, 119, 157-158.

39. *OHC*, 122-124.

40. *OHC*, 256-263.

41. Judith Shklar, "Purposes and Procedures," *Times Literary Supplement*, 12 September 1975, 1018.

42. Hannah Pitkin, for example, sees Oakeshott's interpretation of the *Philosophy of Right* as striking evidence of the general drying up of his earlier "dialectical richness" ("Inhuman Conduct and Unpolitical Theory," *Political Theory* 4 [August 1976], 304). Along the same lines, Covell sees the whole of *OHC* as an abandonment of the Hegelianism and skeptical historicism which animates Oakeshott's earlier work (102, 120-121, 136-137, 141, 142, 211).

43. *OHC*, 124.

44. Cf. Michael Oakeshott, "The Rule of Law," in *On History and Other Essays* (Totowa, NJ: Barnes & Noble, 1983). Here I differ from J. L. Auspitz, who argues that civil association essentially differs from a morality in being a dead code; cf. "Individuality, Civility and Theory: The Philosophical Imagination of Michael Oakeshott," *Political Theory* 4 (August 1976), 278-279.

45. *OHC*, 111, 181.

46. *OHC*, 124-147, 158-180.

47. *OHC*, 147-154.

48. *OHC*, 157.

49. *OHC*, 254; Michael Oakeshott, "The Vocabulary of a Modern European State," *Political Studies* 23 (1975), 323.

50. *OHC*, 157-158; "The Vocabulary of a Modern European State," 340.

51. *The Social and Political Doctrines of Contemporary Europe*, xx, xxi.

52. *OHC*, 60-63, 261. On the non-self-sufficiency of economic relationship, cf. Michael Oakeshott, "The Universities," *Cambridge Journal* 2 (1948-49), 522-523; and "A Place of Learning," *Colorado College Studies*, no. 12 (1975), 14.

53. *OHC*, 318. Criticisms of both Friedman and Hayek are implied in Oakeshott's remarks in "Talking Politics," *National Review* 27 (5 December 1975), 1426-1427.

54. Cf. *OHC*, 242.

55. Cf. Charles Taylor, "Atomism," in *Philosophy and the Human Sciences: Philosophical Papers* 2 (Cambridge: Cambridge University Press, 1985), 187-210; Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), and "The Procedural

Republic and the Unencumbered Self," *Political Theory* 12 (February 1984), 81-96. Rawls disclaims that any such metaphysical theory of an unencumbered self lies behind his theory of justice in "Justice as Fairness: Political Not Metaphysical," *Philosophy and Public Affairs* 14 (1985), 223-251.

56. Richard Rorty, "Postmodernist Bourgeois Liberalism," *Journal of Philosophy* 80 (1983), 583-589.

57. Richard Rorty, "The Priority of Democracy to Philosophy," in *The Virginia Statute for Religious Freedom: Its Evolution and Its Consequences in American History*, ed. M. Peterson and R. Vaughan (Cambridge: Cambridge University Press, 1988), 257-282; cf. also "The Contingency of Community," *London Review of Books* 8 (24 July 1986), 10-14, where Rawls is once again mentioned along with Oakeshott and Dewey as a writer who defends liberalism as a contingent tradition.

58. Richard Bernstein, "One Step Forward, Two Steps Backward: Richard Rorty on Liberal Democracy and Philosophy," *Political Theory* 15 (November 1987), 545-546.

59. This emphasis on the categorial distinction between philosophy and practice runs through Oakeshott's entire oeuvre, from the early *Experience and Its Modes* (Cambridge: Cambridge University Press, 1933) all the way through to *OHC*.

60. Cf. Richard Rorty, "Thugs and Theorists: A Reply to Bernstein," *Political Theory* 15 (November 1987), 564-580.

61. For Rorty's view of philosophy as "cultural anthropology," cf. *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979), 381; cf. also *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982), xxxvii-xli, where the philosopher is described as an "all-purpose intellectual" and a "culture critic."

62. Cf. MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981), esp. chap. 17, and *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), esp. chap. 17; Roberto Unger, *Knowledge and Politics* (New York: Free Press, 1975).

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