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CHAPTER NINE

Michael Oakeshott 'On Being Conservative'

Ephraim Podoksik

The self-government of men of passionate belief and enterprise is apt to break down when it is most needed. It often suffices to resolve minor collisions of interest, but beyond these it is not to be relied upon. A more precise and a less easily corrupted ritual is required to resolve the massive collisions which our manner of living is apt to generate and to release us from the massive frustrations in which we are apt to become locked. The custodian of this ritual is 'the government', and the rules it imposes are 'the law'. One may imagine a government engaged in the activity of an arbiter in cases of collisions of interest but doing its business without the aid of laws, just as one may imagine a game without rules and an umpire who was appealed to in cases of dispute and who on each occasion merely used his judgment to devise ad hoc a way of releasing the disputants from their mutual frustration. But the diseconomy of such an arrangement is so obvious that it could only be expected to occur to those inclined to believe the ruler to be supernaturally inspired and to those disposed to attribute to him a quite different voice – that of leader, or tutor, or manager. At all events the disposition to be conservative

in respect of government is rooted in the belief that where government rests upon the acceptance of the current activities and beliefs of its subjects, the only appropriate manner of ruling is by making and enforcing rules of conduct . . .

To govern, then, as the conservative understands it, is to provide a vinculum juris for those manners of conduct which, in the circumstances, are least likely to result in a frustrating collision of interests; to provide redress and means of compensation for those who suffer from others behaving in a contrary manner; sometimes to provide punishment for those who pursue their own interests regardless of the rules; and, of course, to provide a sufficient force to maintain the authority of an arbiter of this kind. Thus, governing is recognized as a specific and limited activity; not the management of an enterprise, but the rule of those engaged in a great diversity of self-chosen enterprises. It is not concerned with concrete persons, but with activities; and with activities only in respect of their propensity to collide with one another. It is not concerned with moral right and wrong, it is not designed to make men good or even better; it is not indispensable on account of 'the natural depravity of mankind' but merely because of their current disposition to be extravagant; its business is to keep its subjects at peace with one another in the activities in which they have chosen to seek their happiness.¹

I

Michael Oakeshott (1901–1990) was a prominent twentieth-century British philosopher who wrote on diverse topics, such as philosophy of history, philosophy of science, aesthetics and ethics. He initially followed the footsteps of the tradition of British Absolute Idealism in the vein of F. H. Bradley and Bernard Bosanquet, but later developed a significantly more sceptical outlook, influenced, among other trends, by German neo-Kantianism and the Anglophone philosophy of language. In his philosophy, he diagnosed the modern condition as that of radical plurality characterized by the coexistence of autonomous and mutually irrelevant views of the world: modes of experience.

However, he acquired prominence among a broader audience first as a political thinker. Political philosophy was indeed one of his major

preoccupations. For several decades, he taught the history of political thought, first as a lecturer in the History Faculty of the University of Cambridge, and then as a professor of political science at the London School of Economics. Regarded as one of the finest Hobbes interpreters, in 1946, he edited Hobbes's *Leviathan* for Blackwell. And his own essays, collected in the 1962 volume *Rationalism in Politics and Other Essays*, earned him the reputation of a paradigmatic conservative thinker.

Yet Oakeshott turned out to be a very enigmatic conservative. As he outlined the postulates of his political philosophy in the treatise *On Human Conduct* (1975), many commentators began to doubt whether he could be called a conservative at all. A respectable school of interpretation has come to regard him as a liberal.

To reconcile between these two conflicting perceptions, one could indeed argue that Oakeshott's attitude evolved: an (illiberal) conservative in the beginning, he later turned into a (conservative) liberal. The difference between the two positions can be described as follows. Illiberal conservatism conceives itself as an alternative to liberalism. It is inequalitarian rather than egalitarian, and corporatist rather than individualist. On the level of policy it is sympathetic to limited monarchy and influential aristocracy; it defends the established church, advocates power politics in foreign affairs, and generally favours protectionist economic arrangements. 'Conservative liberalism', by contrast, signifies an anti-progressivist current within liberalism broadly conceived. It accepts the core liberal arrangements such as civil liberties, equality before law and free enterprise. But it combines those with gradualism and the respect for tradition and religious belief. For a conservative liberal, any radical pursuit of liberal slogans is detrimental to liberal arrangements themselves.

Now, whereas it is true that the development of Oakeshott's ideas was on the whole in the direction of a more liberal world view, I believe that this story requires certain modification. Actually, conservative as well as liberal elements can be found in both Oakeshott's earlier and later writings. The difference between the earlier and later Oakeshott lies, in my view, not in the presence or absence of either conservative or liberal dispositions, but in the manner in which the two interact. While in Oakeshott's earlier writings they coexist as two disparate lines, in later ones this original dissonance is transformed into a more or less harmonious whole, in which the melody is played by conservative liberalism while the residues of the illiberal conservative attitude act as an occasional counterpoint.

II

In his introduction to a 1939 anthology of contemporary political doctrines, Oakeshott argued that there existed a fundamental gap between two types of doctrines. On the one hand, there were those 'which hand over to the

arbitrary will of a society's self-appointed leaders the planning of its entire life'.² Communism, Fascism and National Socialism belonged to that category. There is no doubt that Oakeshott was repelled by these doctrines, giving preference to the more decent ones: 'those which not only refuse to hand over the destiny of a society to any set of officials but also consider the whole notion of planning the destiny of a society to be both stupid and immoral'.³ One such doctrine was 'Representative Democracy'. Yet it was not the only possible alternative to totalitarianism. There was in fact another option: 'Catholicism'. The political embodiments of this doctrine were, in Oakeshott's view, Ireland, Portugal and pre-*Anschluss* Austria.

Although both Representative Democracy and Catholicism profess profound antipathy towards the totalitarian sentiment, the differences between the two are significant. According to Oakeshott, Catholicism is related 'to the historic doctrine of Conservatism'.⁴ Representative Democracy, by contrast, is related to liberalism, even if its liberalism should not be confused with 'merely the history of the rise and dominance of a peculiar narrow brand of individualism', and even if a certain so-to-speak conservative aspect is embedded in it, for 'it has the advantage of all the others in that it has shown itself capable of changing without perishing in the process, and it has the advantage (denied to all others save Catholicism) of not being the hasty product of a generation but of belonging to a long and impressive tradition of thought'.⁵

Two more differences can be uncovered from Oakeshott's depiction. The first is cultural-geographical. Catholicism is a political doctrine widespread in continental Europe. Representative Democracy, by contrast, if one judges from the list of thinkers chosen by Oakeshott to exemplify it, such as Paine, Mill, Lincoln, Cobbett, Green and Tocqueville, belongs more properly to the Anglo-American sphere. The second difference is their relative strengths and weaknesses. In Catholicism, Oakeshott emphasizes intellectual coherence (noting however that this doctrine may be outdated⁶); by contrast, he denies any philosophical value to the doctrine of representative democracy, yet praises the latter's practical vitality.

These two doctrines appear to reflect what I call illiberal conservatism and conservative liberalism. The earlier Oakeshott had good words to say about each of them. Both were for him legitimate and interesting self-expressions of the Western civilization. But if as an Englishman he appeared to sympathize with the moral benefits of the long tradition of Anglo-American liberalism, as a philosopher he seemed to be more attracted to the authoritarian conservatism of European lineage, for he consistently regarded the European continental philosophical tradition as superior to what Britain or America were able to offer.

The polemical essays that Oakeshott published in the late 1940s and early 1950s can be assigned either to one or the other of these disparate doctrines. On the one hand, there are essays dedicated to the critique of rationalism: 'Rationalism in Politics', 'The Tower of Babel', 'Rational

Conduct' and 'Political Education'. Their common motif is a harsh criticism of modern civilization for its preference of reflective engineering over pre-reflective spontaneity, of technique over tradition. These essays can claim illiberal conservative lineage because of the following features.

First, Oakeshott's criticism appears to be directed not against specific features of modern civilization but against its overall tendency towards rationalism. Second, he does not draw a distinction between liberal and anti-liberal tendencies of modernity. The notion of human rights is ridiculed by him no less than that of equality or racial purity; the inexperienced rulers of modern times seem to be regarded by him as inferior in quality to the experienced aristocracies of the past; and even Friedrich Hayek is suspected of being too much of a rationalist. Third, he allows occasional remarks which may point to a degree of social conservatism. Thus, he regrets the demise of parental authority.⁷ The intellectual sources of this conservative pessimism can be found in various stands of European continental anti-liberalism, and especially in life philosophy.⁸

This attitude can be contrasted with the one expressed in the essay 'The Political Economy of Freedom' which pays homage to the ideas of the free-market Chicago economist Henry C. Simons. In it, Oakeshott discusses the specifically English idea of freedom and the economic policy which would properly fit it. The heart of English freedom is for him the dispersal of power in a society ensured by the general acceptance of the rule of law. In the area of economics, the maintenance of this freedom requires protecting private property, curbing the power of monopolies (especially trade unions) and reining in inflation. Occasionally he inserts a Burckean-like traditionalism. Thus, one of the forms of the diffusion of power in a society is said to be 'a diffusion of authority between past, present and future'.⁹ But the term 'conservatism' is absent from the essay. Simons, Oakeshott tells us, called himself a liberal and democrat, the follower of Adam Smith, Bentham, Mill, Sidgwick, Tocqueville, Burckhardt and Acton, even if he 'suffered from neither of the current afflictions of liberalism – ignorance of who its true friends are, and the nervy conscience which extends a senile and indiscriminate welcome to everyone who claims to be on the side of "progress"'.¹⁰ Being averse to the word 'liberal', Oakeshott refers to the view that he himself appears to espouse as that of 'the English libertarian'.¹¹

'The Political Economy of Freedom' exemplifies the conservative-liberal aspect of the earlier Oakeshott. Its overall character is different from that of the other essays of the same period included in *Rationalism in Politics*, even if some common ground can be found to reconcile its liberal mood with the pessimistic anti-rationalism of the others. It also appears that in this period the liberal mood was not dominant in Oakeshott. The fact that the essay was included in *Rationalism in Politics* should not mislead: that volume appeared in 1962, after Oakeshott had adopted a more positive stance towards liberalism and modern society. In the early 1950s, however, he was less sure. In another and less libertarian essay of that period, he

could argue, for example, that ‘there is little evidence that competition itself produces diversity – rather the reverse’.¹²

III

Yet towards the mid-1950s, Oakeshott’s approach changes significantly. First, conservative liberalism and illiberal conservatism swap roles, with the former acquiring pre-eminence. Moreover, Oakeshott clearly attempts to clear the path for a more coherent outlook so that illiberal elements could be integrated within the overall liberal world view.

The essay ‘On Being Conservative’ (1956) is the key indicator of this change. It presents an idea of government which can clearly be identified as belonging to conservative liberalism. Yet this liberalism is taken to be the only realistic form of political *conservatism*. According to Oakeshott, the conservative disposition in general is the disposition to enjoy the present for its own sake and on account of our mere familiarity with it. When applied to the sphere of politics, this disposition does not need to find expression in what were usually perceived as ideological corner stones of conservative politics, for example, an organic theory of human society, a belief in the sinfulness of human nature, royalism or Anglicanism.¹³

Just twenty years earlier, Oakeshott would see most of these features as congenial to the political doctrine of ‘Catholicism’. Now all of this is declared inessential. To be a conservative in politics now does not mean pursuing this or that political ideal, but merely maintaining the conditions under which citizens are free to conduct their present activities with a minimal degree of disruption. As he argued, governing ‘is not concerned with moral right and wrong, it is not designed to make men good or even better ... its business is to keep its subjects at peace with one another in the activities in which they have chosen to seek their happiness’.¹⁴

In principle, specific contents of ‘conservative’ politics can differ from one historical context to another. But Oakeshott is interested in what it may mean in the context of modernity, which he conceives as a condition where citizens endowed with highly developed individuality are bent on pursuing choices of their own. The modern situation is characterized by great diversity of preferences. In such a situation, the proper role of government is to prevent collisions between the activities of the citizens without imposing on them a single correct way of life.

Moreover, this vision of government is not presented as an unavoidable concession to a problematic condition. For the diversity of individual preferences is not merely diagnosed by Oakeshott; it is also praised. Earlier he described modernity as contaminated by rationalism, but now it is justified through individualism. In the essay ‘The Masses in Representative Democracy’ (1957), written about the same time as ‘On Being Conservative’, Oakeshott no longer contrasts the problematic rationalistic present with a

somewhat distant non-rationalistic past.¹⁵ Rather, modernity itself is torn between two contrary moral visions: the morality of individuality and the morality of anti-individuality. Oakeshott stands for the former and believes that it has every chance to prevail.

Thus, towards the mid-1950s, Oakeshott established the basic parameters of his mature political outlook. Twenty years later, in *On Human Conduct*, he developed on their basis a full-fledged political theory. The heart of this theory is the distinction between two kinds of association: enterprise association and civil association. The key difference between the two is their *raison d'être*: for the enterprise association it is pursuit of a common purpose; for the civil association it is subscription to common rules. The enterprise association usually has rules too. But these rules are supposed to be instrumental in reaching the association's purpose; they will be amended if they do not serve that purpose. In the civil association, by contrast, the rules are non-instrumental, for there is no purpose to achieve.

The modern state includes within it a great variety of associations, most of which are likely to be enterprise associations of different kinds. Yet the state itself should not take this character. The reason is that the state is a comprehensive compulsory association. Considering it as an enterprise association, that is, assigning to it a specific purpose, would be incompatible with the principal circumstance of modern life: the great diversity of individual characters each prone to explore their own individuality in a self-chosen way. Whatever the state's declared purpose, some members of the state will dissent from it and as a consequence feel that they are forced to subscribe to a project in which they are unwilling to take part. This would violate their integrity.

Indeed, not every modern person possesses strong individuality. Some persons lacking in individuality are more than happy to be told what purpose to pursue. Many features of the modern state reflect the existence of such people. However, the principal protagonist of modernity is 'the individual' who desires to pursue freely chosen purposes and projects. For such a person the forced membership in the state can be acceptable only if it is considered as a civil association, that is, association in terms of non-instrumental rules of conduct rather than in terms of purposes.

The theory of civil association has been generally interpreted as a liberal theory of the state. Such an interpretation is not unavoidable. It is possible to insert in the civil association a more conservative content. Two aspects of the theory may lead us in this direction. First, while members of the civil association are expected to 'assent' to the authority of the rulers, they do not necessarily choose them, and the rulers are not necessarily accountable to the ruled. The theory is therefore indifferent to the form of government: it can be democratic or authoritarian. Second, whereas the rules of the association cannot be changed in view of serving some purpose, they can be amended in order to reflect changes in current practices of the society. It is indeed possible to imagine that despite the diversity of enterprises, certain practices

would be considered as widespread enough to be established as legal norms. This may lead to a 'social conservative' persecution of 'deviant' practices.

These are however relatively marginal possibilities. The rhetoric and logic of the theory rather follow the tradition of Cold War liberalism with its dichotomy of liberalism and totalitarianism. The distinction between the two kinds of association is especially reminiscent of Hayek's distinction between telocracies and nomocracies. The emphasis on the importance of freedom and individuality is the dominant aspect of Oakeshott's theory outlined in *On Human Conduct*.

If one looks for a connection between this and Oakeshott's earlier illiberal conservatism, one should rather consider his rejection of purpose. The value of purposelessness was a consistent motif of his thinking in all areas. In the context of politics, the idea of purposelessness played out in two different ways in the earlier and later Oakeshott. In the first half of the twentieth century, the emphasis on purposelessness tended to indicate anti-totalitarian illiberal conservatism. This conservatism rejected liberal as well as totalitarian ideologies because it assigned to both one common feature: the rationalistic pursuit of a social ideal. Oakeshott's initial uneasiness regarding liberalism was to a great degree the result of the latter's preoccupation with 'progress'. Conservatism, by contrast, emphasized the sinfulness of human nature and the fundamental imperfection of human societies.

In the second half of the twentieth century, however, many currents in liberalism adopted a more pessimistic and anti-progressivist line. The belief in progress ceased to be the crucial test for possessing the liberal mind. As a consequence, it became possible to integrate purposelessness within a liberal political world view. Oakeshott's *On Human Conduct* can be counted among the most interesting examples of such integration.