A Double Agent in the Dream of Michael Oakeshott

"Then I shall know, as I am known,
And stand complete, before the throne"
-From an old hymn

Who dreams what? The question belongs to a timeless agenda. Milton saw "youthful poets" as the most skilled and excellent of visionaries, opening our minds to "pomp and feast and revelry" *(L'Allegro* I. 127). Shakespeare reduced us all to the materials of reverie.

In our own time, the question has been picked up by Michael Oakeshott. In one of his shortest, sharpest pieces, "Leviathan: A Myth" (1947), Oakeshott recognizes a civilization to be "a collective dream." Most of the dreamers are sleepwalkers, enjoying a solipsistic slumber which leaves no room for awareness that they are dreaming.'

But there are two superior sorts of dreamer. The artist dreams into the depths; in dreaming that he is dreaming he enlarges and enhances the collective vision. The scientist, by contrast, finds the dream situation a scandal and tries to awaken everybody, himself included. His "perverse genius is to dream that he is awake" *(HCA* 151).

What, we may ask, is the philosopher's dream? Philosophers are, perhaps less keen than the rest of us to concede that they dream at all, let alone contribute to the collective illusion, and this reluctance is exhibited as Oakeshott continues:

1. Abbreviations:
EM: *Experience and its Modes.*
RP: *Rationalism in Politics and Other Essays.*
OHC: *On Human Conduct.*
HCA: *Hobbes on Civil Association.*
OH: *On History, and Other Essays.*

> But from a book of philosophy, when it reaches the level of literature (as it sometimes does), a more direct, a less subtle consequence maybe expected to spring. Its gift is not an access of imaginative power, but an increase of knowledge; it will prompt and it will instruct. In it we shall be reminded of the common dream that binds the generations together, and the myth will be made more intelligible tows. And consequently, we must seek the meaning of such a book in its vision of the myth.

By the standards of Plato this is a modest claim. Philosophers enjoy the myth, along with their fellows. But they can in addition discern its overall shape and its internal distinctions more clearly-a conception of philosophy perhaps to be expected from the man who, in a memorable five-minute speech at his retirement dinner, said he had "tried to be a philosopher, but happiness kept breaking through."

The philosopher's dream is not that he is awake, but that he understands and interprets the dream. If we inquire what is his job in the circus of life, it is that of compere, telling the patrons that the show is a subsidized one, that a Sponsor, not present, has made it possible, and reminding them of last trains to be caught. So he furnishes the dream with postulates, preconditions, conditions, hypotheses, presuppositions, laws natural and otherwise, and like creations. These are the materials of a dream which, Saint Paul warned with his customary remorseless insight, belongs to the next world not this, of "knowing, even as I am known" neither partially nor through a glass darkly; but completely and clearly. The bait that draws the philosopher is that of knowledge, which is more than an ingredient, or even a component, of everything men do and say and think. It can be isolated and read in clear. The philosopher dreams that he is in heaven before he is dead.

Oakeshott has been aware of this dream, and of the pretension at its core, but has not been exempt from it. In his latest works, *On Human Conduct (1975)* and *On History and Other Essays (1983)* we are back, for the first time extensively since *Experiences and its Modes* (1933), in a world of postulates, conditions, and "exclusive, specifiable modes of relationships" *(OHC* 111-122). A central item

of his recent vision has been what he calls the (human) "agent" and the postulates of his conduct.

In the following remarks, I wish to draw attention to some features of this picture which show a shift in focus from an earlier picture he gave us of a properly finished human being; also to the ways in which the agent Mark II differs from the vision of man offered by Aristotle, to which Oakeshott's earlier picture of the agent is somewhat closer.

There are two reasons for bringing Aristotle into the discussion. The first is that in *On Human Conduct* (109-111, 181), Oakeshott claims that the conception of human conduct, and of human agency, in the book is "glimpsed and intimated" in Aristotle's *Politics.* Second, in replying to some of his astonishingly ill-informed critics in a special number of the journal *Political Theory* in 1976 (363), Oakeshott lamented that Sheldon Wolin in particular might have noticed that "here is theorizing of an Aristotelian cast." I shall question both claims.

II

Aristotle believed, strictly, in human nature, that is to say, that humanity was a species qualifying the genus nature. Men, as he saw them, may from time to time be able to contemplate the heavens and beyond, as Plato had thought the best of them would be doing all the time that they were not, perforce, arranging life for the others. But for the greater portion of life, Aristotle's men live and mentally organize a life with roots firmly lodged in the animal kingdom. Aristotle's vision of man is one of a graduated, but not emancipated, animal. If the human species deserves a definition at all, Aristotle will accord it only that of a field naturalist: a walking featherless biped with a capacity for speech. There is no hint of the sanctity of mind, or the exclusive enjoyment of intelligence, or the uniqueness of self-understanding.

When mind does come into the picture, Aristotle affirms, it must respect its subject-matter. Knowledge begins with the separation of subject-matters, with a recognition of "the entity of each thing, and what it is to be that thing; no distinction is made between the thing in itself and the thing as it appears.

Aristotle's world, we may say, is full of things, and these are individual substances in their own rights, not abstractions which must look for their totality outside themselves (cf. *EM 66).* The *Categories* open, not with an analysis of terms and propositions, but with a classification of things.

Men construct images of things, but these images do not lose their earthy origins if they are to serve as the materials of accurate and useful constructions.[2] In *On Memory and Recollection,* Aristotle notes that other animals perceive time and can remember. He adds: "It is impossible to think without a mental picture. The same affection is involved in thinking as in drawing a diagram . . A man who is thinking still puts a finite magnitude before his eyes" (Aristotle, *Works* ed. McKeon, 607-611). Men can recollect as well as remember, but this is a supplementary, not a supplanting achievement. So thinking involves perception, which invokes the services of both the affections and the bodily organs, in this case the organs of sight. He also speaks of"affections produced by sensation in the soul." In short,whatfor us have become the separate languages ofmind andbodyare for Aristotle freely and reciprocally coupled.

It is likewise with the language of thought and action. When he discourses on deliberation, it is seen as directed invariably at doing something. And the point of any action, or any proposal to act, is always something beyond itself. Aristotle endorses a utilitarian view of deliberation, taking, as he does, a firm stand upon the distinction between means and ends. In the *Nicomachean Ethics* (112b.31), we read that ends cannot be a subject of deliberations, only means. And the *polis* itself has an end or purpose firmly attached to it, that of the good life, an existence fit, in specified terms, for the human animal.

When we examine Aristotle's thoughts upon the *polis,* we find that living nature, the shared life of animals and plants is again the starting point. Men, he says, share with animals and plants a natural desire to perpetuate themselves, or at least to leave behind a perpetual image of themselves-hence the organizing of conditions

2. The Australian poet A.D. Hope remarked to me, after reading *The Voice of Poetry in the Conversation of Mankind,' that* "Oakeshott'sworld is full of images; he never sees *any things."*

for procreative union. As for political attributes, these are not denied to bees, or other gregarious animals. Man is only described as "more" of a political animal than these.

Men exhibit uniquely the power of speech, enabling them to enjoy their graduated sense of justice and injustice. But they forfeit none of their animal attributes in this enjoyment. The intelligence which contemplates the idea of the Good co-exists with animal reflexes which serve to preserve the existence of, or at least avoid threats to, the intelligent creature.

What does Aristotle say of the *polis* itself, that ever-unfinished creation of this animal? One of Oakeshott's claims, in *On Human Conduct, is* that his own construction, the "civil association," is intimated in the *Politics;* first, in its independence of all other associations; (it is an association quite unlike that of the tribe, the bread-bin or the family); and second, that no purpose can be assigned to either association. Oakeshott does, however, register in a couple of asides a doubt, or perhaps a regret, that Aristotle could not have gone further. First, 'inafootnote *(OHC* 110) he writes that whereas Book I of the *Politics* sets out *apolis* with "no extrinsic purpose," Book VII obscures this insight with "the trivialities of trade." Second, he notes on the following page that the distinction between the civil and the natural was "momentously difficult" for Aristotle to make.

When we turn to Aristotle we find that the *polis,* like the human animal itself, introduces something new into the lively *cosmos.* In its natural, unpremeditated development from the primary exigencies of trade and defense, it generates a new human relationship, that between mutually equal citizens. But no more than man does the *polis* shake off its origins. Its ultimate end is now declared to be that of not just living, but living well. But it retains its initial purposes of defense and facilitation of trade.

Further, there are conditions of its continued existence, which are emphasized at length. The *polis,* like the virtuous life, must be equipped with external goods, and these are so definite as to compose a virtual inventory. There is both an optimal population size, and an optimal area of territory. There must be a port, but for defensive reasons it should be some distance from the main settle-

ment. The character of the people, if this can be managed, should strike amean between the tempers of the Northerners and the Asiatics. (Montesquieu was to think similarly, with the difference that whereas Aristotle thought Athens the ideal latitudinal point for a balanced character, for Montesquieu it was England). The initial choice of site is, literally, vital, and calls up three considerations-public health, commercial convenience and strategic safety. The ground plan of the city must be symmetrical enough for beauty, but not so regular as to make defense difficult. Walls are a practical necessity.

These are the specifications, not unlike those of a first class architect who asks his client: "Tell me the sort of life you lead and the site you have chosen, and I'll design a house to fit both." You are reminded on every page that you are a dependent creature who must conserve your assets, ensure your survival as best you can. *Apolis* is first of all a place, and its physical conditions need constant maintenance if the fragile achievement of citizenship is to continue. And these conditions include the individual physical needs of the citizens. Details are supplied of a physical training program.

Is all this science, or is it injunction? The distinction is a modern one, and if we are to find it in Aristotle we have to put it there. The mood of the *Politics* and of the *Ethics* is mixed, and can be read as either indicative or imperative. Book V of *the Politics* might be seen either as the do's and don'ts of preventing a revolution, or as a sketch of hypothetical causes of an ideal type of revolution. Aristotle sweats not at all over whether science, or philosophy, is normative or non-normative, or whether either concerns itselfwith postulates or merely with features. It is all there within the same compass, from the most abstract polar star of human conduct, the Idea of the Good,to details of city planning and the education of the young.

III

Let us turn now to Michael Oakeshott. And, we may initially ask, which one? It is convenient to recognize three phases in his work, pre-war, post-war, and post-retirement. Phase one is contained in *Experience and its Modes,* published in 1933, phase two is the series of occasional essays intermittently published mainly in the *Cam*

bridge Journal after World War II, which were assembled to make the 'book *Rationalism in Politics and Other Essays* (1962), while phase three comprises two recent works of high definition, *On Human Conduct* (1975) and *On History and Other Essays* (1983).[3]

Concerned as we are with Oakeshott's vision of human agency we can set aside phase one. *Experience and its Modes is* a theory not of action but of knowledge, although the central concept there is that of experience; one guesses that he avoided making knowledge the master conception in order to avoid the classic antitheses between knowledge and belief, or between thought and action, preferring to be left free to recognize the element of knowledge in what he calls practical experience. The book is, nonetheless, a treatment of three classes of residual, modal knowledge.

We concentrate attention, then, on the post-1945 essays and on the latest two books, in particular *On Human Conduct.* Is any change of understanding perceptible between the "agent" in phase two and the "agent" in phase three?

Oakeshott himself notes. a shift when, in reply to his assorted commentators in the 1976 special number of *Political Theory,* he says that he has abandoned the idea of tradition, which held together his 1951 inaugural lecture "Political Education," as being "inadequate to express" what he now has to say. But he adds that what he is doing in what T have called phase three is "amplifying" the earlier work.

What, on this matter, can be said with any firmness? We are inquiring, not into possibilities of stark consistency and inconsistency, but into eddies and drifts discernible in one composite picture that might not be discernible in the other.

If we look at phases two and three together, it can be said that in phase two Oakeshott studiously avoided generalizing about human nature, and that such generalizations as can be discerned are, to say the least, not in direct opposition to the naturalistic lines laid down by Aristotle. In some essays, notably in "On Being Conserva-

3. The original edition of *Rationalism in Politics* went out of print in 1989. A New and Expanded Edition has now been published: (Indianapolis: Liberty Press, 1991), with a Foreword by Timothy Fuller. The new edition adds six other Oakeshott essays to the original collection of 1962.

tive," the human agent is given a familial, naturalistic setting. He is seen as taking his bearings from family, land, trees, copses, and the like. But the message of "The Tower of Babel," "Rational Conduct," and "Rationalism in Politics" is that human agency is simply human history. The statement recurs, "We are what we have become," and always in particular places and times. And it contrasts with the assertion used in phase three, "We are what we understand-and misunderstand-ourselves to be," an expression in which the time dimension is noticeably omitted.

Yet the essays of phase two do put forward some static, generalized historical human types. As well as the "rationalist," there is "mass man" who appears in "The Masses in Representative Democracy,"[4] and reappears briefly at the end of *On Human Conduct,* as somebody who slavishly pursues imagined benefits instead of actual wants.

And if the general idea of human agency is not *systematically* explored in phase two, one of its subdivisions, moral agency, certainly is. The moral agent delineated, in particular in "The Tower of Babel," "On Being Conservative," and "Rational Conduct" is clear in outline at least: he is a creature of educated habit. Oakeshott draws the character from a distinction between two sorts of moral conduct. First; there is that which is, or tries to be, "the reflective application of a moral criterion," i.e., the moral life which is a neverending attempt to apply an abstract standard such as that of justice, or natural rights. Second, there is that which is a habit of affection and behavior. The morality recommended is the second. Habitual morality, which need not be self-conscious, needs external props of abstract standards to sustain it. It has its own internal supports in the shape of institutions, from the formalized legal structures to informal habits and customs. These are the residue of the moral and political experience of previous generations, and knowing how to use them is the mark of individual wisdom. Learning to use them, by what might be called an extended apprenticeship, is what is meant by political education.

The essays of phase two could be read simply as a defense of institutions, and an Australian philosopher has in fact done so. In a

4. This essay appeared in 1961 and is now reprinted in the new edition of *Rationalism in Politics.*

diverting piece, "Oakeshott, Godwin and Mrs. Bloomer," Hector Munro pointed out that Godwin and Oakeshott both started their arguments by condemning abstraction, and praising the square meal of life-experience. But whereas Godwin saw the law as that which distorts, abridges, and abstracts, Oakeshott saw the villain as general principles of conduct-and the law, conversely, as the embodiment of concrete human experience.

Phase two of Oakeshott is noticeably akin to Edmund Burke in both theme and treatment. To appeal to abstract standards, or ideologies, is to incur both an incorrect and a misleading reading of a human situation. The actual situation before you, which you must understand if you are to cope successfully with it, is always a local one. To learn politics is to acquaint yourself with the "arrangements" of a society whose only existence is in a particular place within a certain sector of time. And the obvious starting place for a political eduction is the locality in which you find yourself, your own legal system, and its ramifications. One point of going on to study other places is to reveal hidden passages of your own.

The quality of these essays which makes them plausibly Aristotelian is the central place given to habit, to institutions which are wiser than ourselves, to the demands of circumstance, to a past which is always with us unless we make deliberate and drastic effort to shed it. In the unlikely event of such an effort being successful, it would be the political sin against the Holy Ghost, leaving us, ungrateful biters of the hand that has fed us, deservedly bereft of resource, with no promise of a safety net in the form of divine Providence. The moral assessments of the essays are displayed in the key words of the vocabulary. Prominent *pro* words are: habit, tradition, concrete, affection, activity, unselfconscious. Prominent *con* words are: conscious, self-conscious, reflection, premeditation, abstract.[5] Even intelligence is suspect; the rationalist is the man who worships intelligence, while if you are merely intelligent about a

5. Oakeshott's use of "abstract" and its derivatives is interesting. In *Experience and its Modes it is* sometimes used purely descriptively, with no overtones of approval or disapproval. Historical experience is specified as "abstract." But it is also used, as it is in the phase two essays, coupled with words like "incomplete," "lifeless,"

boiler, we are told, you are likely to be pulled up short by an explosion. To ask the question, "What ought I to do?". is not necessarily a sign of moral health, betraying as it does a search for a guiding principle. This does not mean that automatic responses are recommended, or even possible, since moral conduct is always action in which alternative possibilities are recognized. It means that the measure of moral health is not moral anguish or dilemma. The recipe for moral health is, strictly, breeding or upbringing.

So much for phase two. When we turn to *On Human Conduct* we notice a change of vocabulary more extensive than Oakeshott himself recognized when he says that "tradition" has gone overboard. The old *pro* words have either disappeared from significant sight, or are very dubiously on the credit side of the moral ledger. "Acquiring habits" appears briefly *(OHC* 20), but is given the option of belonging to the non-intelligent world of "observable processes," which are the province of the psychologist.

More remarkably, some of the former *con* words have been promoted, or shifted to the other side of the balance. Consciousness, self-consciousness, reflection, and, more notably, intelligence have stepped up to become the very conditions, or postulates, of human conduct, stripped of their former negativity. They are now the cornerstones of a theory of human agency. The agent himself is not defined as a "reflective consciousness.

Oakeshott specifies a theory of human conduct, *not* a theory of human nature, for reasons both explicit and implicit. The explicit reasons are contained principally in Oakeshott's repudiation, over a couple of pages, of the doctrine that you can make any human action intelligible by reference to an ideal human character. He sees two versions of this doctrine, one of them more offensive than the other. The offensive version sees human conduct as a process; mechanical or chemical, or whatever physical variant is dreamed up by behavioralists or sociobiologists among others. The essence of all

"incoherent," to denote "a world of things (which) must look for their totality outside themselves," i.e., to indicate that which falls short *(EM* 11, *66,* 77-81). In the latest two books, "abstract" has no negative suggestions.

accounts of process is that the items contained therein are linked only by causes:

The less offensive conception of human nature recognizes dispositions, character-types, attitudes, all of which allow for the operation of intelligence. But even this version is rejected, with two sets of arguments. First, Oakeshott employs what might be called his extended version of the indeterminacy principle-a procedural device, which he employs in several areas, and which denies any *necessary* connection between:

> the general and the particular,
> the disposition and any particular act,
> the end and the means,
> or between a fact and any particular interpretation
> placed upon that fact.

These pervade his handling of four themes.

(a) No attitude, motive or disposition will furnish a theoretical understanding of any concrete performance (i.e., a particular action) simply by reason of the absence of a necessary connection, and because actions are always mixed in character. From the evident motives of Brutus, no stabbing of Caesar could be inferred. He was as likely to have stabbed himself, from the same initial information of motive.

(b) Rules and laws never specify actions, or "performances." They merely name "adverbial conditions," to be observed, or not observed, in choosing and acting.

(c) Purposes: no acts are deducible from a common purpose since there maybe, and usually are, different assessments as to what it is better to do to achieve those purposes-a contention which looks like being at variance with his belief that the peculiar feature, indeed advantage, of a purposive association of people is that the purpose agreed upon gives a yardstick with which to measure achievement (*OHC* 140).

(d) The world, as it comes to us at first appearance cannot determine, or even place any limits upon what our understanding

> will do with it. "Subject-matter" or "data" will have no hand in shaping theory. The theorist begins, not with a fact or a datum, but with a "going-on," a focus of attention which he then proceeds to modify in whichever is his chosen language, science, history, or philosophy. The initial "it" or "going-on disappears as soon as it is translated. So there is no need to respect what Aristotle thought of as subject-matter. (In seminars Oakeshott has adverted to "understanding" in intransitive terms; you don't understand "the real world" or anything else; you simply raise your level of understanding).

What is common to these four versions of the indeterminacy principle is an insistence that as you move up from the particular to the general, or from the less general to the more general, you lose the subordinate particular classes, and you lose the individual case at the bottom of the pack. A general theory of revolutions is not absurd; but what will it tell us, for instance, about a particular rising in Poland in the eighteenth century? Or, as mentioned in *On Human Conduct,* it may well be true that "la donna e mobile," but take any individual woman, and there is more to be attributed to her than a supposed universal quality of fickleness. Individuals disappear when they qualify for membership in a species. The species becomes redundant when absorbed by a genus.

The inference of technical interest to be drawn from the above is that (contra Aristotle) the universal exists not in the particular, but only in abstraction from it. Oakeshott quotes Lord Kelvin's apho - rism, "If I can make a mechanical model of something I can understand it," as an example of confusion. Kelvin should have said a model*from* something *(OHC* 18).

So "human nature," even in its less offensively behaviorist version, is explicitly rejected. But there are. implicit reasons, found in parallel arguments, which point no less strongly in the same direction. These are to be found in his repudiation of the naturalism inherent in any conception of human nature. (It could also be added that supernaturalism is likewise dismissed as an explanatory plat- form; religion is described as "a consideration in self-enactment").

Aptitudes, dispositions, and affections are unobjectionable explanatory tools as long as they are seen as "exhibitions of intelligence." But ruled out are "the supposed organic needs, appetites, tensions," etc. To understand *human* conduct is to see these "wholly transformed and superseded." Genetics and chromosomes can shed no more light upon "action," than can sociology or psychology. Action takes place outside the world of "systems and processes." (So a work like Kenneth Walker's on Napoleon, connecting the aging emperor's flagging performance with evidence for underactive endocrine glands could not, presumably, meet the standards of relevance).

Oakeshott's treatment of impulse, reflex, and drive in *On Human Conduct* is reminiscent of Collingwood's disparagement of biography as a vehicle for history, focusing, as it must, upon "the bodily life of the man, with his childhood, maturity, senescence, his diseases, and all the accidents of animal existence."

If the human being is not the disease-ridden and death-prone man we know, what then is he? The figure, the specter, which Oakeshott places before us with exquisite draftsmanship, is that of the agent, a being capable not of "behavior" but of "conduct."

Who is this agent, and what are his characteristics? The entire first part of *On Human Conduct* is given to sketching him. We shall confine ourselves to asking what are his most general characteristics, and what are his political capacities?

He is, of course, a human being. But this is only a rephrasing of what we have to specify. He is not a persona, playing a role, either masked or unmasked, not a somebody, not even an actor, as we now understand the term. (When a Hollywood director calls "action" he expects to see movement of arms, legs, lips, etc.).Oakeshott's agent is not distinguished by any physical movement, nor by the mobile promptings of either his own past or that of previous generations of agents. "He is as independent of all these as he is of tension, of sickness, of mood or of harassment or command by others." When deliberating a course of action he himself selects "the motives in which he permits himself to act" *(OHC 70).* Other agents can only offer him invitations to act. He is, obviously, ageless, tireless, and, presumably, sexless. When he acts, he is, like God at the creation, an

unmoved mover. The generative principle of this movement is called "reflective consciousness" or, alternatively, "intelligence." It is a condition of conspicuous self-awareness.

J.L. Auspitz wrote that Oakeshott's world is bristling with intelligence; and, he might have added, with respect to phase three, with little else. Hands, limbs; larynxes are seen as the creatures, if not the creations, of this central intelligence agency, which needs no assistance in its self-assigned task of reflecting the agent to himself. "We are what we understand-and misunderstand-ourselves to be." The agent is capable of error, but only he can rectify it.

In short, the agent is free, and this is the core of Oakeshott's understanding of personal freedom. No cause, no process can trespass upon the self-understanding of the spontaneous, self-aware intelligence. This surely reminds us of something:

> "To the transcendent consciousness, the whole of life is one phenomenon, and must be judged from the viewpoint of spontaneity and freedom . . . for the entire chain of phenomena depend . on the spontaneity and freedom of the transcendent individual self."

The passage could be from *On Human Conduct;* it is in fact from Kant's *Critique of Practical Reason.* Oakeshott's agent is cast in the same mold (if the earthy metaphor is appropriate) as Kant's transcendental, or noumenal self. It is the self that knows, not the self that is known. This phase three self is the one that invents rather than discovers properties in the natural world.

Oakeshott goes further than Kant, who confessed himself to be fascinated equally by the starry heavens above and the moral world within, and admitted his inability to make the twain meet. Oakeshott is less than fascinated by the natural world, at least in its potential for philosophy, but accords it a conditional existence. (One of his seminarial *obiter dicta* runs: "Nothing is more abstract than the idea of matter.").

Kant gave us a dualistic world, or rather his version of the one invented by Descartes. It is a world of beast-machines, in which all that exists is mind which thinks, and inert, insentient matter. The intermediate world of animals is seen either as one of automata,

giving a mime-show of the perceptions and thoughts that men attribute to themselves, or alternatively, as no more than sources of human food and amusement. It may be seen as a colorless world. It is certainly very different from that of Aristotle, in which the whole natural order is one of shared characteristics, differentiated, but in multiple fashion, with multiple categories. Consciousness itself is to be found at various levels.

Aristotle's method of analyzing the world is of a piece with his picture of it. The supreme principle of Being is recognized; but the ten *summa genera,* and the species below them, are not. mere reflections or modifications of Being. The rest of the pyramid, or hierarchy of categories would still be viable if the apex were removed.

Whilst on the subject of method it is noteworthy that there is an interesting shift in the way of setting up alternative conceptions between phases two and three of Oakeshott's work. In phase two, notably in the inaugural lecture, "Political Education" the characteristic procedure is the regular Hegelian one of showing two views, each inadequate in itself, then to offer a third, designed to transcend the shortcomings of the other two. In *On Human Conduct* the procedure is dualistic rather than dialectical: we are in a world of clean contrasts-such as Kant-preferred-of antithetical alternatives,

of processes vs. practices,
of purposes vs. rules,
of adverbial conditions vs. performances,
of wants vs. benefits,
ofcivil associations vs, enterprise associations, and
of features vs. postulates.

Aristotle shows a human self which remains part of nature. Kant offered two selves; the self that is known, and is part of nature; and the self that knows, which is outside nature.

Oakeshott, if we care to go back to *Experience and its Modes,*. began with an undivided, though a modified, knowing self., In the post-war essays we have a phenomenal, known self, subject to circumstance, to education, and to history. In *On Human Conduct, we* have arrived at a human being who has escaped the animal, and even

the historical kingdom altogether, who has become a new self-creation, with new capabilities, including that of civil living.

IV

So to the last question: How can this "reflective consciousness," with all its solipsistic advantages and handicaps, be capable of civil or political life? For Oakeshott as for Hobbes before him this is the toughest problem: how to make civil and accommodating such a formidably unaccommodating self? And he recognizes the stiff nature of the assignment. The world of *cives* or of people civilly associated, is one devoid of natural bonds. It is one of strangers who are, perforce, neighbors; but not friends, still less family. The bond between them is not natural in either the sense of blood relationship, or of having evolved more or less inadvertently through time. It is an artificial, or, to use Oakeshott's word, *a* "constituted" relationship. And the association does not exist for the benefits of the natural man. It "is not a shelter for the protection of an organism" (*OHC* 173), still less for the provision of his supplementary benefits.

This tough creature, this noumenal=and numinous-intelligence is, nonetheless, capable of sharing, by way of association with other selves. Sharing what?

Oakeshott reduces the sharing possibilities to two alternatives: First are what are variously called wants, purposes, enterprises. Second are rules, and jointly agreed subscription to them. A body of such rules is called a practice. In a civil association, all the sharing is of the second kind.

The rules of a civil association are precisely specified. They must be non-instrumental to anybody's purposes, never prescribing any actions, never (unlike commands) demanding obedience, stipulating only what are termed "adverbial conditions" which are found, *or* not found, in actions or performances. A test of *a* genuine rule is that you cannot ask *whom* it benefits, even if the answer could be everybody. *Nor* could *you* seek its purpose; it can have none. Its central characteristic is simply its authority, which lies in recognition by the *cives of* their *own* sole and exclusive offspring. Unlike Hobbes, Oakeshott does not depreciate covenants without the sword as being

mere words. Like Kant's moral law, Oakeshott's civil law obliges, not as "to be obeyed," but as "to be recognized as authoritative." In *Perpetual Peace* Kant insisted that legislation should disregard benefit and happiness. Oakeshott says genuine legislation *can* only observe such disregard.

The usual way, in seminars and commentaries, of finding fault with this depiction of a non-instrumental (purposeless?) law (as of a powerless sovereign) has been to insist, in a manner which reminds us of H.L.A: Hart's theorizing habits, upon the two aspects of law, the formal and the substantial. You can ask of any law, it is suggested, not only whence comes its authority, but what does it set out to do, what grievances to redress, benefits to confer, etc.? Oakeshott has been able to handle this kind of objection, by pointing out that many laws benefit nobody directly; also that the occasion when any legal system acquires the purpose of defending its own survival is "the rare moment" when its normal operations are suspended; also that this suspension does not affect the principles of the law's operation.

I propose to take a different tack, to suggest that the trouble with this presentation of civilization as a counterpoint or purposive, enterprising, want-generated activity, set against and accompanied by adverbial, rule-governed practices, is that it reduces, not too little, but too much, to the point where some examples will qualify ambiguously for either class. Occam's razor has cut too close for survival, or even for comfort, if we are to enjoy a commodious recognition of all that is around us. Some very unlike entities are shoved together:

(a) Unlike in desirability. Purposes, wants and enterprises are assimilated to each other. But not all purposes can be related directly to wants, as any politician knows. A politician may set himself a target, like a budget surplus or deficit, which can only be achieved by going against all the wants. And, as Mill demonstrated with due cumbersomeness, not all wants add up to a purpose, still less to a desirable one.

(b) Unlike in durability. If we take human wants, we find that some are one-offs; some are intermittently recurrent, some

> are so'regular as to qualify for regulation. The standing nature of some wants, e.g., food, `shelter, water-supply, could rate them as adverbial conditions for the satisfaction of other, more spectacular, or perhaps periodic, wants. "Adverbial conditions" Oakeshott finds stipulated only in the rule-governed association. Why not in a medical, or accountancy practice, both of which are significantly called "practices," both of which stipulate considerations in other people's concrete performances? And both of them have assignable purposes, good health or accurate bookkeeping, neither of which is drastically more or less formal in character than the integrity of the law, or even the good life.

Oakeshott would class sharing and caring for the earth's facilities as a purposive, want-generated enterprise. But what does this continuous steady-state activity have in common with such enterprises as prosecuting a war to end all wars, which calls for maximum, unrelenting effort, or even with a town redevelopment scheme which, although it shares a terminal point along with the state of war, doesn't call for everybody's best effort, nor subordinate every other consideration, even architectural, to its achievement-unless, of course, it be a Tower of Babel? Is the distinction between performances and adverbial conditions one that will withstand all pressures? Or is it, like the older distinction between ends and means, a rough and ready line that convention enables us to draw, but which, given judicious re-conceiving, would enable the parts to swap places?

The man capable of human conduct can associate for two kinds of sharing, purposes and rules. Why, one wonders, has Oakeshott chosen these two *foci* as exhausting the possibilities, but has not considered, for example, the sharing of facilities or of the earth's resources and responsibility for their regular maintenance worthy of a place at the head of a list of shareabilities? The answer lies in his insistence on rescuing the human agent from his natural state. The two supercategories are reserved for what are unmistakably the creations of the self-propelled intelligence. Why should a reflective consciousness give top priority to a water supply? But purposes and rules-these we

have obviously made ourselves. They never rise up to remind us of our dependent creature status, never rub our noses in the tenuousness of our existence, our inextricable involvement with those lesser breeds without our law, i.e., plants and animals, to say nothing of those human beings whose exhibitions of intelligence are either well-disguised or intermittent. Still less do they suggest that we are all children of a heavenly father. But the alternatives presented do show an accurate vision of civilized man as he now is. He has done what Oakeshott himself would never have encouraged, or even countenanced: repudiated his gods and ravaged nature. Is this what it means to be intelligent, self-conscious, and free? And is it dream or nightmare?

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